

Public Document Pack



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

Dr Gwynne Jones
Prif Weithredwr – Chief Executive
CYNGOR SIR YNYS MÔN
ISLE OF ANGLESEY COUNTY COUNCIL
Swyddfeydd y Cyngor - Council Offices
LLANGEFNI
Ynys Môn - Anglesey
LL77 7TW

Ffôn / tel (01248) 752500
Ffacs / fax (01248) 750839

RHYBUDD O GYFARFOD	NOTICE OF MEETING
PWYLLGOR CYNLLUNIO A GORCHMYNION	PLANNING AND ORDERS COMMITTEE
DYDD MERCHER, 24 GORFFENNAF, 2019 am 1.00 o'r gloch yp	WEDNESDAY, 24 JULY 2019 at 1.00 pm
SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI	COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI
Swyddog Pwyllgor	Mrs Mairwen Hughes (01248 752516)
	Committee Officer

AELODAU / MEMBERS

Cynghorwyr / Councillors:

**John Griffith
Glyn Haynes
T LI Hughes MBE
K P Hughes
Vaughan Hughes
Richard O Jones (Is-Gadeirydd/Vice-Chair)
Eric Wyn Jones
Bryan Owen
Dafydd Roberts
Nicola Roberts (Cadeirydd/Chair)
Robin Williams**

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.

Index

1 APOLOGIES

2 DECLARATION OF INTEREST

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

3 MINUTES_(Pages 1 - 10)

To submit, for confirmation, the minutes of the Planning and Orders Committee held on 3 July, 2019.

4 SITE VISITS_(Pages 11 - 12)

To submit the minutes of the site visits held on 17 July, 2019.

5 PUBLIC SPEAKING

6 APPLICATIONS THAT WILL BE DEFERRED_(Pages 13 - 14)

6.1 HHP/2019/129 – Ty Arfon, Lon Refail, Llanfairpwll

7 APPLICATIONS ARISING_(Pages 15 - 34)

7.1 FPL/2019/116 – St David's, Athol Street, Cemaes

7.2 VAR/2019/14 – Cae Eithin, Malltraeth

8 ECONOMIC APPLICATIONS

None to be considered by this meeting.

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

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered by this meeting.

10 DEPARTURE APPLICATIONS_(Pages 35 - 52)

10.1 VAR/2019/34 – 8 Ger y Môr, Rhosneigr

10.2 VAR/2019/32 – Yr Erw, Llansadwrn

10.3 VAR/2019/42 – Garreg Fawr Farm, Trearddur Bay

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS_(Pages 53 - 56)

11.1 OP/2019/8 – Tyn Pwll, Brynsiencyn

12 REMAINDER OF APPLICATIONS_(Pages 57 - 86)

12.1 FPL/2019/162 – Morswyn Primary School, Cyttir Road, Holyhead

12.2 FPL/2019/161 – Pencarnisiog Primary School, Pencarnisiog

12.3 FPL/2019/171 – Anglesey Airport, Minffordd Road, Caergeiliog

12.4 FPL/2019/50 – Breakwater Country Park, Holyhead

12.5 OP/2019/6 – Former Peboc Site, Llangefni

13 OTHER MATTERS_(Pages 87 - 96)

Traffic Regulation Order – Amlwch

To submit a report by the Head of Highways, Waste and Property.

This page is intentionally left blank

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 3 July, 2019

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Eric Wyn Jones, Bryan Owen, Dafydd Roberts, Robin Williams
- IN ATTENDANCE:** Development Management Manager (NJ)
Planning Officer (CR)
Planning Support Officer (DR)
Planning Support Officer (SP)
Senior Engineer (Highways Development Control) (EDJ)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillor Vaughan Hughes
- ALSO PRESENT:** Local Members: Councillor R.G. Parry MBE, FRAgS (for application 7.1); Councillor Ieuan Williams (for application 7.2)
Councillor Peter Rogers (for application 12.1); Councillor Alun Mummery (for application 12.3); Councillor Richard Dew (Portfolio Member for Planning)
-

1. APOLOGIES

The apology for absence was noted as referred to above.

2. DECLARATION OF INTEREST

Declarations of interest were made as follows –

Councillor Nicola Roberts declared a personal and prejudicial interest with regard to application 7.2 on the agenda.

Councillor Bryan Owen declared a personal and prejudicial interest with regard to application 12.4 on the agenda.

Councillor Peter Rogers (not a member of the Planning and Orders Committee but in attendance as a Local Member) declared a personal and prejudicial interest with regard to application 11.1 on the agenda and was not present when the application was discussed.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 5 June, 2019 were presented and were confirmed as correct.

4. SITE VISIT

The minutes of the planning site visit held on 19 June, 2019 were presented and were confirmed as correct.

5. PUBLIC SPEAKING

The Chair announced that there would be Public Speakers in relation to applications 7.1 and 12.1.

6. APPLICATIONS THAT WILL BE DEFERRED

6.1 FPL/2019/116 – Full application for the change of use of former church into two holiday units together with alterations and extensions at St. David’s, Athol Street, Cemaes

The Planning Development Manager reported that the application had been called in to the Planning and Orders Committee due to concerns locally about road safety, the design of the proposed development and land ownership. Several objections to the development have also been received. Consequently, it was the Officer’s opinion that it would be beneficial for the Committee’s members to view the site prior to considering the application. In addition, should the Committee determine to visit the site, the residents of two properties nearby have asked that the Committee also take the opportunity to view the application site from the perspective of their properties in order to better appreciate their concerns regarding the proposal.

It was resolved that the application site be visited in accordance with the Officer’s recommendation for the reason given and that it be viewed also from the perspective of two properties nearby as requested.

7. APPLICATIONS ARISING

7.1 FPL/2018/42 – Full application for the erection of 8 market and 2 affordable dwellings, construction of a new vehicular access and road together with soft and hard landscaping on land adjacent to Llain Delyn Estate, Gwalchmai

The application was reported to the Planning and Orders Committee as it has been called in a Local Member. At the Committee’s 5 June meeting it was resolved to convene a site visit and this subsequently took place on 19 June, 2019.

Public Speaker

Sioned Edwards (*for the application*) outlined the nature of the application and stated that as a proposal for 10 units it had been the subject of a pre-application consultation process which had included Local Members, Trewalchmai Community Council, the public, and statutory consultees. Concerns had been raised about the access to the application site via the Llain Delyn Estate and about the potential effects on the residents of nearby properties during the construction period especially with regard to the use by construction traffic of the private track linking the application site with Crown Street. Ms Edwards highlighted that the Council’s Highways Department had confirmed that it was satisfied with the proposal in terms of access and compliance with parking standards and that the provision of a Construction Traffic Management Plan is recommended by Officers in order to agree on routing and parking with the development thereafter to be constructed in accordance with the details agreed. This is acceptable to the applicant and would also ensure that arrangements are in place in respect of the public footpath which runs the length of the private track. As part of the proposal a financial contribution will be made to primary education provision in the area and the provision of 2 affordable housing units and an open space will also form part of the development. The proposal is

acceptable to the Planning Officers subject to conditions and it is hoped the Committee will also be able to support it.

Councillor R.G. Parry, OBE, FRAGS spoke as a Local Member to confirm that whilst he nor the Community Council had any objections to the proposal, they were worried about the potential impacts during the construction phase and about access. The Committee would have seen from the site visit that the site can be accessed in two ways, the first through the Llain Delyn estate and secondly via the track from the Doctor's surgery. He and the Community Council were requesting that a condition be attached to any planning permission to stipulate that during the construction phase access to the site be confined to the track leading from the Doctor's surgery so as to avoid the impact and potential hazards of heavy construction traffic passing through the Llain Delyn housing estate.

The Development Management Manager reported that as well as expressing concern about the access, the Community Council has also questioned the need for the proposed housing development in this location and the effects it might have on local infrastructure by placing additional demand on the local school and surgery. The application site is within the development boundary with Gwalchmai being a service centre where residential development would be expected in accordance with the JLDP. The Highways Department has not raised any objections to the application proposing conditional approval specifically with regard to managing construction traffic as per conditions (10) and (11) of the Officer's report in order to allay the concerns raised by the Community Council and Local Member. The Officer said that it is therefore a matter of agreeing the details in line with the conditions as opposed to imposing a specific condition to restrict access by construction traffic to one route. The mix of housing proposed by the development is acceptable to the Housing Department and it is also considered to accord with the character and appearance of this part of Gwalchmai Uchaf there being other two storey properties in the immediate vicinity. A financial contribution towards accommodating additional pupils estimated to be generated by the development at the local school is proposed as well as the provision of an open space in compliance with Policy ISA 5. The Officer's recommendation is therefore to approve the application subject to the conditions listed and the completion of a legal agreement to secure the relevant contributions/provisions.

In considering the proposal, the Committee sought the perspective of the Highways Department on the access issue and the Local Member's request for a condition to specify the access route for construction traffic.

The Senior Engineer (Highways Development Control) confirmed that when discussing the Construction Environmental Management Plan referred to in conditions (10) and (11) with the developer, Highways Officers will take into account the concerns expressed and will also carefully assess the two access routes before coming to an agreement with the developer on whether one or the other or whether sharing offers the best option. The Officer further confirmed in response to comments about the Llain Delyn estate road being narrow that whilst estate roads tend to be narrower than other roads, the road through Llain Delyn is not untypical and is of a standard width for that type of development.

Councillor Kenneth Hughes proposed the Officer recommendation to approve the application seconded by Councillor Eric Jones.

It was resolved to approve the application in accordance with the Officer's recommendation and report subject to the conditions set out therein and the completion of a legal agreement containing the obligations as listed.

7.2 FPL/2019/31 – Full application for the conversion of an outbuilding into a holiday letting unit together with the installation of a new septic tank at Ty Mawr, Pentraeth

The application was reported to the Planning and Orders Committee as it had been called in to committee by a Local Member. At its meeting on 1 May, 2019 the Committee resolved to undertake a site visit which took place on 15 May, 2019. Subsequently, at its meeting held on 5 June, 2019 the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that it deemed the proposed development to be justified and compliant with Policies TWR 2 of the JLDP and TAN 23: Economic Development (2014) bringing with it economic benefit to the area.

As she had declared a personal and prejudicial interest in the application, Councillor Nicola Roberts withdrew from the meeting for the consideration and determination thereof. The Vice-Chair, Councillor Richard O. Jones chaired the meeting for this item.

Councillor Ieuan Williams Local Member re-stated his belief that policies had in this instance been interpreted too rigidly the Officer objection being based on the size of the proposed alterations to an old building but discounting the extensions that have been made over the course of time. The Local Member emphasised that in terms of footprint the new conversion will only be slightly larger than the existing building and extensions but will also bring with it economic gain as the applicants – a farming family - seek to diversify and generate tourism for the area. The subject building is one of a cluster of four buildings the other three having been sold for re-development potentially leaving the subject building to dilapidate further in their midst if the application is not approved. The Local Member said he understood that those who had been consulted including by now the buyer of the last of the four properties as well as local businesses were supportive of the application and he asked the Committee to reaffirm its previous decision of approval.

Councillor John Griffith sought further clarity on the size and scale of the proposed conversion citing the Officer's report that the proposal only retains a small part of the existing building whilst building a substantial addition to make the proposal viable as a 4 bedroomed holiday unit thereby making it far more visible than the other properties around it and therefore more intrusive in its surroundings.

Councillor Ieuan Williams clarified that on site there is an outbuilding which is the original building with a number of later extensions added onto it; these have been discounted in assessing the proposal because they are not deemed suitable for conversion which he felt was an overly strict approach which as far as he knew was not reflected in national policy nor in the JLDP. In terms of footprint the proposal is only 2% to 3% larger than that of the existing buildings and overall the proposal brings order to that which is on site already. Neither did he believe the proposal to be overly visible from its location nor have any impacts on anyone or anything.

The Development Management Manager said that the report provides a response to the reasons given by the Committee for approving the application at its previous meeting contrary to the Officer's recommendation. A letter in support of the application has been submitted by the applicant and is included in the representations pack as is a copy of an e-mail from the owner of one of the nearby properties confirming no objections to the proposal. The Officer emphasised that although there is no objection to the conversion of the building and it is accepted that it would bring economic benefit to the area, the proposal as presented is considered highly inappropriate in scale and mass and would dominate in the cluster of buildings of which it forms part, the proposed extensions being 100% larger than the present building. In so being the proposal is contrary to Policy TWR 2 of the JLDP and TAN 23 para 3.2.3 from which the Officer quoted as well as the Authority's SPG. There is therefore a clear policy basis for refusing the application and the recommendation remains one of refusal.

Councillor John Griffith proposed, seconded by Councillor Richard Owain Jones, that the application be refused in accordance with the Officer's recommendation because of its unsuitability in respect of scale and mass, and in so doing he highlighted the Officer's written comments setting out the way in which the proposal is non-compliant with Policy TWR 2; approval would also set a dangerous precedent for future such applications.

Councillor Kenneth Hughes proposed that the Committee's previous decision to approve the application be reaffirmed and was seconded by Councillor Bryan Owen. Councillor Dafydd Roberts agreed stating that although normally he would not support a conversion proposal that was larger in scale than the original building, he believed the secluded location in this case made the proposal acceptable.

In the ensuing vote the proposal to reaffirm approval was carried by a majority of the Committee.

It was resolved to reaffirm the Committee's previous decision to approve the application contrary to the Officer's recommendation and to authorise the Officers to apply conditions on the consent as appropriate.

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

10.1 VAR/2019/5 – Application under Section 73A for the variation of conditions (09), (10) and (11) of planning permission 30C246K/VAR (application under Section 73 for the variation of conditions so as to move the location of one dwelling) so as to allow for the submission of details regarding surface water drainage, a traffic management scheme and drainage system maintenance details following the commencement of the development on land adjacent to Ty'n Pwll, Benllech

The application was presented to the Planning and Orders Committee as it was contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

The Development Management Manager reported that permission for three dwellings on the site was granted under the previous Development Plan and an application to re-locate one of the dwellings was approved fairly recently with conditions attached in relation to surface water drainage, a traffic management scheme and drainage maintenance details. Work has commenced on site without the conditions having been discharged and so the current application seeks to vary those conditions so as to enable the details to be submitted and approved following the commencement of works. The Officer said that the details required by the above conditions have been provided and assessed as part of the application and are acceptable and satisfy the requirements of the conditions retrospectively.

Councillor Kenneth Hughes proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

10.2 Application under 73A for the variation of condition (04) (approved plans) of planning permission reference 30C755B/DEL (Application for the removal of conditions (09), (10), and (11) (Code for sustainable homes) and variation of condition (08) (materials) of planning permission 30C755 (Outline application for the erection of a dwelling) so as to re-position the dwelling, amend the design and add a sun room at Min y Ffrwd, Minffrwd, Brynteg

The application was presented to the Planning and Orders Committee as the proposal is contrary to policies of the Joint Local Development Plan which the Local Planning Authority is minded to approve.

The Development Management Manager reported that the principle of a dwelling has already been established in this location under the previous Development Plan and the application is to remove the conditions above in order to make amendments to the previously approved scheme including re-positioning the dwelling 6m to the North East; changes to doors and windows including dormer windows and rooflights and the addition of a sun room to the South West elevation facing the highway. The proposed amendments are acceptable and are considered to be an overall improvement on the previously approved plans. Although the application is contrary to Policy TAI 6 of the JDLP, having regard to the extant planning permission and the improvement which the proposed amendments represent the recommendation is to approve the application.

Councillor Bryan Owen proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 FPL/2019/145 – Full application for the erection of an agricultural shed to house livestock at Fferm Cefn Dderwen, Brynsiencyn

The application was reported to the Planning and Orders Committee because the applicant is related to a "relevant officer" as defined in paragraph 4.6.10 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under the said paragraph.

The Development Management Manager reported that the proposed scheme is for the erection of a new agricultural shed which will form an extension to the existing shed on site. The applicant also proposes to lower the ground level so that it is consistent the length of the new shed. As the proposal would be located in an area rich in history a condition is proposed requiring that an archaeological assessment be carried out during the construction phase; the Highways Department further proposes a condition requiring the submission of a Construction Traffic Management Plan prior to the commencement of works. As the location of the proposal is near to the AONB and the proposal would be visible from a public footpath for a short period against the existing sheds an additional landscaping condition is proposed to mitigate any brief impact that may arise therefrom. The Officer said that the Community Council had since confirmed that it had no comments on the application and the Officer's recommendation is one of approval.

Councillor Eric Jones proposed the Officer recommendation to approve the application seconded by Councillor Kenneth Hughes.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein and with an additional condition with regard to landscaping.

12. REMAINDER OF APPLICATIONS

12.1 VAR/2019/14 – Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref. 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at Cae Eithin, Malltraeth

The application was reported to the Planning and Orders Committee at the request of the Local Members due to concerns regarding access and land ownership issues.

Councillor Bryan Owen proposed that a site visit be undertaken because of the concerns regarding access and land ownership. Councillor Owen explained that he believed the application to be a case of putting the cart before the horse as the applicant does not at present have an access to the dwelling and that the Committee should first see the application site before determining the application.

The Development Management Manager clarified that the application is for amendments to the previous outline and reserved matters permission for a dwelling in which the access was shared with Pen Parc, the property next door. A separate private access and driveway to Cae Eithin has been approved as part of a later stand-alone application. However, the application as presented is to vary conditions of permission relating to the dwelling only and is not related to the private access. The reason given for proposing a site visit i.e. access issues is therefore not a valid planning reason for this application which is in connection with changes made to the dwelling.

Councillor Bryan Owen said that the separate access referred to has been created on land not owned by the applicant and that no agreement has been reached between the applicant and the next-door neighbour about purchasing the land. Councillor Owen said that he thought the matter of the access needed to be resolved before this application could be determined since without lawful access the property can't be used.

The Development Management Manager provided the Committee with some background information and context to the application and, with reference to the site map highlighted the land on which the separate access was situated relative to the land on which the dwelling which is the subject of this application, is located. The separate access was approved as a stand-alone permission and has been the subject of an enforcement investigation for breach of conditions. The Officer further clarified that as part of this application which is to amend the original outline consent which included access, the applicant has served notice on the landowner which means the application can be dealt with otherwise land ownership is not a planning matter.

Public Speaker

Mr Dafydd Jones Russell Hughes **(for the application)** stated that the only issues relevant to the application are the finished floor level, minor variations in the size and the location of the house and garage on the site being different to that which was given permission, the land ownership issue being a civil matter. These are set out in detail in the Officer's report. The finished floor level has been built 170mm lower than that agreed between the Planning Department and Natural Resources Wales (NRW) as a safeguard against flooding. As the property has been completed and furnished, raising the floor level from the inside would be extremely difficult and costly so consideration has been given to constructing a small perimeter wall around the property to a height equal to the required level; this has been agreed as adequate by NRW. The other variations relating to the size of the property, and where the property and the garage are sited on the plot are relatively minor in relation to that permitted. The ridge height of the property

conforms to the level specified in the planning permission. The applicant is therefore asking for permission to construct a small flood defence wall around the property and for the Committee to consider that the minor alterations to the scheme will not have any negative effects on the natural or built environment with the Officer's report confirming that neither will there any impact from it on surface water drainage. Mr Russell-Hughes said that as agents for the applicant they had consulted extensively with the Planning Department, NRW and the Flood Management Advisor to submit a planning application which deals satisfactorily with these small changes. The changes have not been made for any personal gain the applicant not being a builder and having to trust others to construct the dwelling in line with the planning permission. From the site's planning history, it is clear that the applicant has submitted numerous applications to try to ensure that every part of the development is legal. Not having been able to use the property which he has had the right to construct has caused the applicant and his family much mental anguish. It is hoped the Committee will agree with the Officer's recommendation of approval.

Councillor Peter Rogers, a Local Member stated that this was an application that had been causing conflict over a long period of time; he referred to the discrepancies between the height, finished floor level and siting of the dwelling and those prescribed by the conditions of the original planning consent. These were the subject of an enforcement investigation regarding which information is still awaited. Councillor Rogers also highlighted than many questions in relation to the development and the breaches of planning conditions remain unanswered. The changes in the scale of the dwelling which have added to its height, length and width have resulted in an oversized development the visual impact of which is greater than that indicated on the approved plans permitted under planning conditions. Councillor Rogers highlighted that a major concern is the proposed method of resolving the fact that the proposal has not been constructed in accordance with the finished floor level specified by the planning condition which is by the construction of a perimeter flood defence wall which will serve to exacerbate the development's visual impact still further as well as its impact on the amenity and privacy of the adjoining property. Councillor Rogers said that the reasons for seeking this approval is in the interest of selecting the most effective solution to a self-made problem. He said he was disappointed that there would be no site visit for he thought the Committee should see for itself what has been the situation on this site for a few years now.

The Development Management Manager reported that with respect to this application the principal concern is the impact of the flood defence wall on visual amenities of the Pen Parc property. She recapped on the planning history of the development and said that an enforcement investigation of breaches of conditions in relation to the separate and stand-alone planning permission for the private access, identified anomalies in respect of the dwelling itself. These relate to the finished floor level, the siting of the dwelling within the plot, increased length and width of the finished dwelling and amended orientation of the garage. Consequently, the application seeks to regularise the matters identified, and should it be approved, the applicant's agent has indicated that a separate application would be submitted to deal with issues arising in relation to the private access.

The proposal was originally located with an area classified as a C1 flood zone in which development is permitted providing it meets the criteria set out in TAN 15. The finished floor level was therefore set at a minimum of 4.42m Above Ordnance Datum (AOD) to safeguard the development and future occupants from flooding for the lifetime of the development. The actual finished floor level of the dwelling is 4.25 AOD, 170 mm lower than the level specified in the condition. In order to address the identified flood risk as a result of the reduced finished floor level, it is proposed that a flood defence wall will be constructed close to and around the entire dwelling. The height of the flood defence will

also take account of the reclassification of the area from a C1 to a C2 zone (which would have meant the proposal being recommended for refusal had that been the case originally) meaning that the dwelling will be better protected from flooding events than would have been the case had it been constructed in accordance with the original details. Natural Resources Wales have been consulted as part of the application and raise no objection.

The dwelling is also 250mm longer and 250mm wider than that approved and the garage is now sited such that its front gable faces the new driveway approved as part of the permission for a private access. The Officer said that there is strong opposition locally to the height of the dwelling which the outline planning permission stated should not exceed 6m. The height of the dwelling from the finished floor level as built to ridge is 5.85m which is less than the 6m stipulated in the condition. However, the height of the dwelling from the original ground level to ridge is 7.15m. Whilst condition (10) sets the maximum ridge height at 6m it does not specify whether the measurement should be taken from the finished floor level or from the original ground level and due to the lack of clarity would likely be unenforceable. In light of this and due to the fact that the height from finished floor level does not exceed 6m it is not considered that the condition has been breached. Notwithstanding the concerns locally about the accuracy of the measurements, the principal issue is the effect of the changes along with the proposed flood defence wall in terms of the visual impact of the whole and the impacts on the amenities of neighbouring properties. It is the Officer's opinion as set out in the report, that the variation to the siting and scale of the dwelling and the amendment to the orientation of the garage do not lead to a development that is materially different to that which was originally granted. The amendments are considered acceptable and do not give rise to any detrimental impacts upon the character of the area or the amenities of the neighbouring properties. Neither is it considered that the proposed flood defence wall will give rise to any unacceptable visual impact. The recommendation is therefore to approve the application.

Councillor Kenneth Hughes said that having considered all the information presented, he believed a site visit to be necessary in order for Members to assess for themselves the possible effects of the proposal on the amenities of the area and those of neighbouring properties. He therefore proposed, seconded by Councillor Bryan Owen, that the Committee visit the application site.

It was resolved that the Committee undertake a site visit for the reason given.

12.2 FPL/2019/98 – Full application for the change of use of the existing community room into an affordable residential property at Warden House, Awel y Môr, Rhosneigr

The application was reported to the Planning and Orders Committee as it is submitted by the Council.

The Development Management Manager reported that the proposal entails the change of use of the existing community room at Warden House into a one-bedroom local market dwelling. The proposal is located on a housing estate and provides an opportunity to create a small additional dwelling for the local housing market and is compliant with Policy TAI 5 of the JLDP.

Councillor Bryan Owen proposed the Officer recommendation to approve the application seconded by Councillor Robin Williams.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the conditions listed therein.

12.3 HHP/2019/129 – Full application for the erection of a detached garage at Tŷ Arfon, Lôn Refail, Llanfairpwll

The application was reported to the Planning and Orders Committee as it had been called in by a Local Member.

The Chair said that she understood it was the Local Members' wish that the application site be visited.

Councillor Bryan Owen proposed, seconded by Councillor Robin Williams that the Committee undertake a site visit in order to better assess the potential effects of the proposal on residential amenity.

It was resolved that the application site be visited in accordance with the Local Members' request for the reason given.

12.4 FPL/2019/146 – Full application for the change of use of vacant land to play area which includes the installation of play equipment at Parc Peibio, Morawelon, Holyhead

The application was presented to the Planning and Orders Committee at it is submitted by the Council.

As he had declared a personal and prejudicial interest in the application, Councillor Bryan Owen withdrew from the meeting during the consideration and determination thereof.

The Development Management Manager reported that the proposal entails re-locating a play area from nearby private land to land owned by the Council. The current play equipment is nearing the end of its useful life but instead of renewing the existing park it is proposed to create a new park approximately 23 metres to the North with the existing park being subsequently removed. One letter of representation has been received which raises concerns on account of privacy, amenity and anti-social behaviour. The Officer said that the proposed play area is 27 metres from the nearest property which is farther than the existing play area and taking this into consideration as well as the fact that the play area will be used by children, it is not considered that the proposal will have any impact on privacy. The area is a large open area available for play and leisure use and it is not considered that the creation of a play area in this location would have any more impact on neighbouring properties than that which already exists. The recommendation is therefore to approve the application.

Councillor Robin Williams proposed the Officer recommendation to approve the application seconded by Councillor John Griffith.

It was resolved to approve the application in accordance with the Officer's report and recommendation subject to the condition noted therein.

13. OTHER MATTERS

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

**Councillor Nicola Roberts
Chair**

PLANNING SITE VISITS

Minutes of the meeting held on 17 July, 2019

PRESENT: Councillors Trefor Lloyd Hughes MBE, Eric Wyn Jones, Dafydd Roberts (for applications 1 and 2), Robin Williams (for applications 1 and 2)

IN ATTENDANCE: Senior Planning Officer (JBR)
Planning Officer (Enforcement) (GB)

APOLOGIES: Councillors John Griffith, Glyn Haynes, Kenneth Hughes, Vaughan Hughes, Richard Owain Jones, Nicola Roberts

ALSO PRESENT: Local Members: Councillor Aled Morris Jones - for application (1), Councillor Alun Mummery- for application (3)

1. FPL/2019/116 – Full application for the change of use of former church into two holiday units together with alterations and extensions at St. David’s, Athol Street, Cemaes

The proposal was outlined to Members. Members viewed the application site from Athol Square (private highway) the right of way which leads to Y Garreg and the rear of the application site and also from the private gardens of The Vigour Public House and 1 and 2 Fairview.

Members were advised that a condition is recommended that all windows in the Southern elevation be obscurely glazed; the Local Member highlighted that windows in the rear elevation (West) also directly overlook land belonging to The Vigour Public House.

2. VAR/2019/14 – Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref. 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at Cae Eithin, Malltraeth

The proposal was outlined to Members. Members viewed the application site from the public highway, the private driveway leading to the dwelling and from within the application site itself.

3. HHP/2019/129 – Full application for the erection of a detached garage at Tŷ Arfon, Lôn Refail, Llanfairpwll

The proposal was outlined to Members. Members viewed the application site from Lôn Pant and from the neighbouring driveway.

Planning Committee: 24/07/2019

6.1

Application Reference: HHP/2019/129

Applicant: Mr. Dilwyn Owen

Description: Cais llawn i godi garej newydd ar wahan yn/Full application for the erection of a detached garage

Site Address: Ty Arfon, Lon Refail, Llanfairpwll



Report of Head of Regulation and Economic Development Service (Gwenda Baynham)

Recommendation: Defer

Reason for Reporting to Committee

The application is called in by a local member.

Addition information has been received which is being re-consulted, re-advertised and assessed by officers, the planning application will now be reported to the September Planning Committee.

This page is intentionally left blank

Planning Committee: 24/07/2019

7.1

Application Reference: FPL/2019/116

Applicant: Oblates of Mary Immaculate

Description: Cais llawn i newid defnydd hen eglwys i fod yn ddwy uned wyliau ynghyd ag addasiadau ac estyniadau yn /Full application for the change of use of former church into two holiday units together with alterations and extensions at

Site Address: St. Davids, Athol Street, Bae Cemaes Bay



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the vice chairman of the Planning Committee, Councillor Richard Owain Jones.

Members visited the site on the 17th July 2019 and will now be familiar with the site.

Proposal and Site

The application is submitted for the conversion of the former Catholic Church into two holiday letting units together with alterations and extensions.

The application site is located within the development boundary of the Local Service Centre of Cemaes, the existing building itself lies outside but immediately adjacent to the designated Conservation Area and the proposed extension and parking area is within the Conservation Area.

Key Issues

The key issues in this case is whether or not the proposal is in accordance with relevant local and national policies and is acceptable in terms of design, impact upon the character and appearance of the designated Conservation Area, the amenities of neighbouring residential occupiers and highway considerations.

Policies

Joint Local Development Plan

Strategic Policy PS 1: Welsh Language and Culture

Policy ISA 2: Community Facilities

Policy TRA 4: Managing Transport Impacts

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Strategic Policy PS 14: The Visitor Economy

Policy TWR 2: Holiday Accommodation

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Planning Policy Wales (Edition 10, December 2018)

Supplementary Planning Guidance Holiday Accommodation (2007)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Technical Advice Note 12: Design (2016)

Technical Advice Note 13: Tourism (1997)

Technical Advice Note 24: The Historic Environment (2017)

Conservation Area Character Appraisal - Cemaes

Response to Consultation and Publicity

Consultee	Response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments.
Ymgynghorydd Treftadaeth / Heritage Advisor	The proposed development would result in a moderate enhancement of the building, conservation area and view out of the Conservation Area. The Built Environment Section is therefore supportive of the proposal from a built heritage perspective.

Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	Comments / conditions.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observations.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	The likelihood of protected species issues is low, however given the protection of bats in law, as a precaution it is advised that where features in roofing areas that could potentially hide bats have to be removed/disturbed, that this be done with care and if bats are found that NRW are contacted for advice. Advise that the Protected Wildlife and Buildings leaflet be sent to the applicant.
Cynghorydd Richard Griffiths	No response at time of writing report.
Cynghorydd Aled Morris Jones	No response at the time of writing the report.
Cynghorydd Richard Owain Jones	Request that the application be referred to the Planning Committee for determination.
Cyngor Cymuned Llanbadrig Community Council	The Community Council has received copies of objections by local residents, and acknowledge those objections regarding access, the development would be better as a single unit and the importance that the development is in keeping with the conservation area.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection, comments.
Dwr Cymru Welsh Water	Comments and recommend condition.

The application was afforded three means of publicity; these were the posting of a notice near the site, the serving of personal notification letters on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 31/05/2019.

At the time of writing the report 7 representations had been received, with the main points raised summarised below:

- i. One writer notes that whilst they would be more than pleased to see this unsightly building and car park turned into an attractive and sensitive development, there are a number of issues.
- ii. Although 3 new parking spaces are being created there are already frequent problems with current holiday lets in the area who do not have parking spaces and cars are often left inappropriately, blocking access near the entrance to the square where a busy public house is located. Furthermore, if the spaces are not specifically allocated and fenced or otherwise controlled, will be used by renters of other holiday properties in the area.
- iii. When the church was in use, up to 8 cars were sometimes parked for the duration of services, but did not cause too much problems as this was only for approx. 1 hour per week. Three additional cars accessing the square on a frequent basis will be problematic and the additional traffic generation could be detrimental to highway and pedestrian safety.
- iv. The proposed building will be partly located in the Conservation Area and the proposal is an unattractive and cheap proposal, with very little done to enhance the design of the existing building.
- v. The visual impact of the proposed building is not in keeping with neighbouring houses. This is the oldest part of the village and care should be taken to develop a suitable property with a higher standard of design and appropriate use of materials.
- vi. There are already quite enough holiday homes in the village, displacing local people to the outskirts or neighbouring villages.

- vii. The church frontage in particular has a great impact on the visual amenity of Athol Square and old Cemaes. All the other properties have features such as porched or deeply recessed doorways and symmetrically 4-paned windows that reflect the historic character of what was probably the heart of the original 18th century origins of Cemaes close to the harbour. The submitted design is not acceptable if the visual amenity of the area is to be enhanced.
- viii. Whilst acknowledging that the building lies outside the Conservation Area, part of the site and three of its four boundaries are within the Conservation Area. Any development of the site must take this sitting into account and should enhance the setting, not detract from it. The current church building was considered to be out of keeping in 2017 and therefore the current proposal must also be so considered.
- ix. This is an ideal opportunity of a sensitive scheme to be developed which would enhance the setting of the Conservation Area and remove an ugly, unwanted building from what must be the oldest square in Cemaes Bay.
- x. The density of the proposal is totally inappropriate for the site. The accommodation of two holiday units will create significant problems with access and parking.
- xi. The overdevelopment of this plot will certainly increase the levels of noise and disturbance to neighbouring houses. By limiting it to one holiday unit and re-designing the property to a higher standard, a small private garden could be created using the gained space. The development of one quality unit on the site could protect and even enhance the local environment for both existing residents and the Cemaes community.
- xii. The rooms in the holiday units are very small and there is no outside space other than the parking area for people to sit outside. Visitors to other holiday lets without gardens often take chairs out into the square and this causes noise and disturbance.
- xiii. The use of loose gravel in the parking areas is a cheap option that will impact upon the other properties in the square.
- xiv. The site which was previously occupied by 3 cottages was gifted to the church with a stipulation that it could only be used as a church, it would never have been handed over for free if it had been known that it would later be sold on for profit. It is consecrated land and it is abhorrent to imagine the use of this land as a profit making venture.
- xv. The main water pipe for the adjacent public house is located under the church.
- xvi. There would be no room for fire or ambulance services.
- xvii. An application for the demolition of the former bakery nearby and the erection of a dwelling was refused in 2006 on highway grounds, which also apply with the proposed development.
- xviii. Athol Square is an unadopted highway, maintained at frontage residents expense. Properties using it have legally enforceable vehicle and pedestrian 'rights of way' over it. There is also separate 'rights of way' which have been granted over the driveway along the flank frontage of the church. These 'rights' of way have not been shown in or on the application documents as required by section 10 of the relevant forms and no consultation with residents has been undertaken regarding these rights during development of this application. These rights need to be considered and carefully protected either by the applicants scheme or by relevant condition.
- xix. The access to the two bedroom unit is at the rear of the building and to access it, pedestrians will have to use the shared access way. The presence of manoeuvring vehicles in such a restricted area results in a patently unsafe arrangement for a main entrance and this location is much better suited to a secondary or occasional 'back door' type of entrance.
- xx. In the event that approval of the application is recommended, then it is requested that conditions be imposed prohibiting the application of any finish to external surfaces such that the width of adjacent accesses is narrowed, that the car parking area be surfaced in a permeable bound material and that the surfaced areas of Athol Square and access drives leading from it should be reinstated to at least the condition prevailing at the start of work.
- xxi. The proposal will have an impact upon the privacy of the properties to the South and East some of which have a right of way out of the back of where the new buildings would be.

Points i – ix above are addressed within the main body of this report and in response to points x – xxii I would comment as follows:

- x. The application is submitted for the conversion and extension of the existing building to create two holiday letting units with a combined total number of 3 double bedrooms, accommodating a maximum of

6 persons. Notwithstanding that the application must be assessed and determined on the basis of that submitted, were the proposal for a single holiday unit then it could potentially have 4 to 5 bedrooms, accommodating 8 to 10 persons, arguably giving rise to greater impacts than the current proposal. xi & xii. It is noted that no outside space, other than the parking area, is proposed as part of the application, however being an application for holiday accommodation, it is anticipated that the units would be used by visitors as a base from which to explore the wider area, the application site is located in the village centre, close to the beach and other amenities, furthermore the absence of outside space is likely to lessen the potential for noise and disturbance to neighbouring properties. It is also important to consider that, notwithstanding the building has been vacant for the past 3 years, its authorised use is as church falling within Class D1 of the Use Classes Order. Therefore not only could the use as a church lawfully recommence at any time, the building could be utilised for any purpose falling within Use Class D1 without the need for planning permission, such permitted uses include, clinics, health centres, creches, day nurseries, museums and public halls. It is therefore necessary to balance the potential impacts of the proposed development against the potential impacts of other permitted uses. In this instance it is not considered that the proposed development would give rise to any greater impacts than may occur from the various other uses that the building could be lawfully put to.

xiii. It was noted during the site visit that the existing parking area is comprised of gravel, furthermore the highways department have been consulted on the application and have raised no objection in terms of the surface material of the parking area.

xiv. In the event that any restrictive covenants were imposed at the time the property was gifted to the church, then this would be a private legal matter between the relevant parties, and would not prohibit the grant of planning permission. It is also noted that the writer confirms that prior to the erection of the church the site was previously occupied by residential cottages.

xv. The proposal involves the change of use of the existing building together with a small extension, it is not therefore anticipated that existing services would be detrimentally impacted by the development.

xvi. It is not considered that proposed development exacerbates accessibility by emergency services to any greater extent than presently exists.

xvii. In light of the 2006 refusal of an application for the demolition of the nearby former bakery and erection of a new dwelling on highway grounds, further comments have been sought from the highways department. The highways department have commented that as the application site benefits from an existing authorised use (church), then it must be accepted that some form of redevelopment is acceptable. There are a number of properties which are served by this narrow highway referred to in the reasons for refusal of the former bakery application. In the opinion of the Local Highway Authority, the conversion of the chapel into 2 holiday units will not generate a significant increase in traffic which will have a material effect on the existing use of the narrow public highway referred to. There are approx. 20 properties which use this road and the current application does not propose to significantly increase that use. Furthermore, it is not considered that direct comparisons between this and the former bakery application is appropriate in this instance. In the case of the former bakery, its use as a bakery had ceased many years prior and the building at the time of the application had been in use as storage with little associated traffic and as such the proposal to develop a dwelling in its place would have resulted in an increase in traffic. In contrast to that, the building subject of the current application, has an authorised use as a church which only ceased some 3 years ago. Therefore, not only could the use recommence at any time, any number of other D1 uses as noted above could be made of the building without the need for planning permission.

xviii. The rights of way referred to in section 10 of the planning application forms refers to 'public rights of way' i.e. public footpaths and not private rights of way. Certificate B has been completed as part of the application serving notice on the owners of private highway and properties affected by the development, including the individual who has made this representation. It was due to the absence of this information as part of the previous application that the application was subsequently withdrawn.

xix. The entrance door to the two bedroom unit, utilises an existing door into the building and even if access were proposed by another means, it would still be via the shared access way. The shared access way, provides a vehicular access to only one property and a pedestrian access to others. Whilst the comment regarding safety is noted, traffic volume and speed along this narrow shared driveway is likely to be low and it is not therefore considered that any danger is such that refusal of the application on these grounds could be warranted.

xx. Appropriate conditions will be imposed on any permission granted. In relation to the finish of the external surfaces, the proposal has been amended such that the building will now be insulated internally, the external walls will be finished with a render finish with a maximum thickness of 16mm so as to ensure that the development does not result in a narrowing of the adjacent access way.

xxi. A condition will be included in any permission granted, requiring that all windows in the Southern elevation be obscurely glazed, to mitigate any overlooking and protect the privacy and amenities of those properties potentially affected.

Relevant Planning History

FPL/2018/18 Full application for the change of use of former church into two holiday units together with alterations and extensions at St David's Church, Athol Street, Cemaes – Withdrawn 25.04.2019

Main Planning Considerations

The application is submitted for the conversion of the former catholic church into two holiday letting units, comprising 1 one bedroom unit and 1 two bedroom unit, together with a small extension to the Eastern elevation to provide a bedroom and bathroom, alterations are also proposed to the windows and doors, the installation of 6 roof lights in the Southern roof slope and the rendering of the existing walls. The proposal also includes parking provision for 3 cars.

The designated Conservation Area immediately adjoins the site on three sides, whilst the proposed extension and parking area is within the Conservation Area, the building itself is not.

The application sites is located within the development boundary of the Local Service Centre and as such accords with the provisions of policy PCYFF 1 of the JLDP.

Policy PCYFF 2 of the JLDP requires that proposal demonstrate compliance with relevant local and national planning policies and guidance.

Policy PCYFF3 requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive, sustainable places. Proposals will only be permitted provided they conform, where relevant, to the listed criterion.

Criterion 1 of the policy requires that the development enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Criterion 2 requires that the development respects the context of the site and its place within the local landscape...

Criterion 3 requires that it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with policy PCYFF 4.

Criterion 5 requires that drainage systems are designed to limit surface water run-off and flood risk and prevent pollution.

Strategic Policy PS 14: The Visitor Economy states that whilst ensuring compatibility with the local economy and communities and ensuring the protection of the natural, built and historic environment the Councils will support the development of a year-round local tourism industry by managing and enhancing the provision of high quality un-serviced tourism accommodation in the form of self-catering cottages and apartments, camping, alternative luxury camping, static or touring caravan or chalet parks.

Policy TWR 2 of the JLDP supports proposals for the conversion of existing buildings into holiday accommodation provided they are of a high quality in terms of design, layout and appearance that that all the relevant policy criteria can be met.

Criterion ii. requires that the proposed development is appropriate in scale in considering the site, location and/or settlement in question.

Criterion iv. requires that the development is not sited within a primarily residential area or does not significantly harm the residential character of the area.

Criterion v. requires that the development does not lead to an over-concentration of such accommodation.

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens states that proposal within or affecting the setting and/or significant views into and out of Conservations Areas must have appropriate regard to the adopted Conservation Area Character Appraisal, Conservation Area Plans and Delivery Strategies.

Policy ISA 2: Community Facilities states that proposals leading to the loss of community facilities will be resisted unless the proposal conforms to the relevant criteria listed in the policy.

Criterion 2i. of the policy requires that a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or ii. it can be demonstrated that the facility is inappropriate or surplus to requirements.

The existing building is of a simple bland design constructed of grey brickwork. During the Cemaes Conservation Area Character Appraisal process, the existing building was identified as being an unsympathetic development within the original designated area and consequently, under a boundary review the conservation area boundary was revised to omit the building, the area to the side and front were however retained within the Conservation Area Boundary.

As part of the proposed conversion, it is proposed to render the building, make amendments to some of the windows and doors, install 6 roof lights on the Southern roof slope and erect a small extension measuring 5.8m x 4.9m to the front gable elevation comprising bedroom and bathroom.

As noted above, a number of objections have been received, which include comments relating to the design of the proposal, which has been described as an unattractive and cheap proposal with very little done to enhance the design of the existing building and that it should be developed to a higher standard of design utilising appropriate materials.

The existing building on the site exhibits little architectural or aesthetic merit and given the very constrained nature of the site and fact that the proposal is for a change of use rather than re-development, the scope to make significant alterations to the existing building may be somewhat limited, nevertheless the Local Planning Authority must assess and determine the application on the basis of that submitted.

The proposed extension and other alterations are relatively minor in nature, finished with materials similar to nearby properties which are predominantly either painted render or pebble dash.

It is therefore considered that the proposal will result in a moderate enhancement to the building, conservation area and views out of the conservation area and is acceptable in terms of design and scale in accordance with policies PCYFF 3, TWR 2 and AT 1 above.

With regard to criterion iv. of policy TWR 2, whilst the site is located within a primarily residential area, there are two public houses in very close proximity, one immediately next door and the building itself was of course formerly a catholic church, it is not therefore considered that the proposal will significantly harm the residential character of the area.

A business plan has been submitted in support of the application and it is considered that the level of detail is commensurate with the proposed development such that compliance with criterion v. of policy TWR 2 has been demonstrated.

The supporting documentation submitted with the application confirms that the church has been unoccupied since 2016 when it was permanently closed following a parish review of church services by the Diocese of Wrexham, consequently it is considered that it has been demonstrated that the facility is surplus to requirement as per policy ISA 2.

The highways department have also been consulted on the application and the comments received, whilst acknowledging objections, accepts that there is an existing use associated with the site and that therefore it must be accepted that some form of redevelopment is acceptable. Three parking spaces are provided as part of the scheme, which is sufficient to cater for the development which comprises one, 1 bed unit and one 2 bed unit. The Highway officer notes that the existing use, as demonstrated within an objection letter, could generate up to 8 vehicles at the site at a time and which would cause much more inconvenience than the proposed use.

The officer further notes that, notwithstanding any existing issues there may be with car parking in this area, it would be unreasonable to punish this development in this instance as sufficient parking provision is included to cater for the development.

The officer concludes that the proposed development will not generate a significant increase in use which would have a negative impact on the highway network and conditions are recommended regarding the car parking provision and the submission of a Construction Traffic Management Plan prior to the commencement of works.

Given the lawful use of the existing building (Class D1 Church) and other potential D1 uses which could lawfully be made of the building, it is not therefore considered that the proposed development will give rise to unacceptable impacts upon the privacy and amenities of neighbouring properties, furthermore a condition will be imposed requiring that all windows in the Southern elevation be obscurely glazed to mitigate any overlooking and protect the privacy and amenities of those properties potentially affected.

Conclusion

The proposal is considered to be acceptable and accords with relevant local and national planning policies and it is not considered that the development gives rise to unacceptable impact upon the character and appearance of the designated Conservation Area or upon the privacy and amenities of nearby residential occupiers subject to conditions.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries, including any Temporary Traffic Management Measures and Traffic Regulation Orders necessary to facilitate safe construction of the scheme including any advance, preparatory and demolition works;**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vi) The arrangements for storage of plant and materials and the loading and unloading of plant and materials**
- (vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

(03)The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference 035 04 rev A before the use hereby permitted is commenced and thereafter retained solely for those purposes.

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

(04) Prior to the commencement of the development hereby approved the colour of the external render proposed to be used on the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development.

(05) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason: To define the scope of this permission.

(06) Before the development hereby permitted is brought into use, all windows in the Southern elevation shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning. The windows shall be permanently retained in that condition thereafter.

Reason: To protect the amenities of nearby residential occupiers.

(07) No surface water from any increase in the roof area of the building / or impermeable surface within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

(08) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- **035 03: Proposed Floor Plans and Elevations**
- **035 04 rev A: Proposed Block Plan**
- **035 SK1: Detail of proposed finishes to existing church external wall.**
- **Structural Inspection: JP Structural Design, RP-07380-001, Issue 1, December 2018.**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS1, ISA2, TRA4, PS5, PS6, PCYFF1, PCYFF2, PCYFF3, PS14, TWR2, PS20 and AT1.

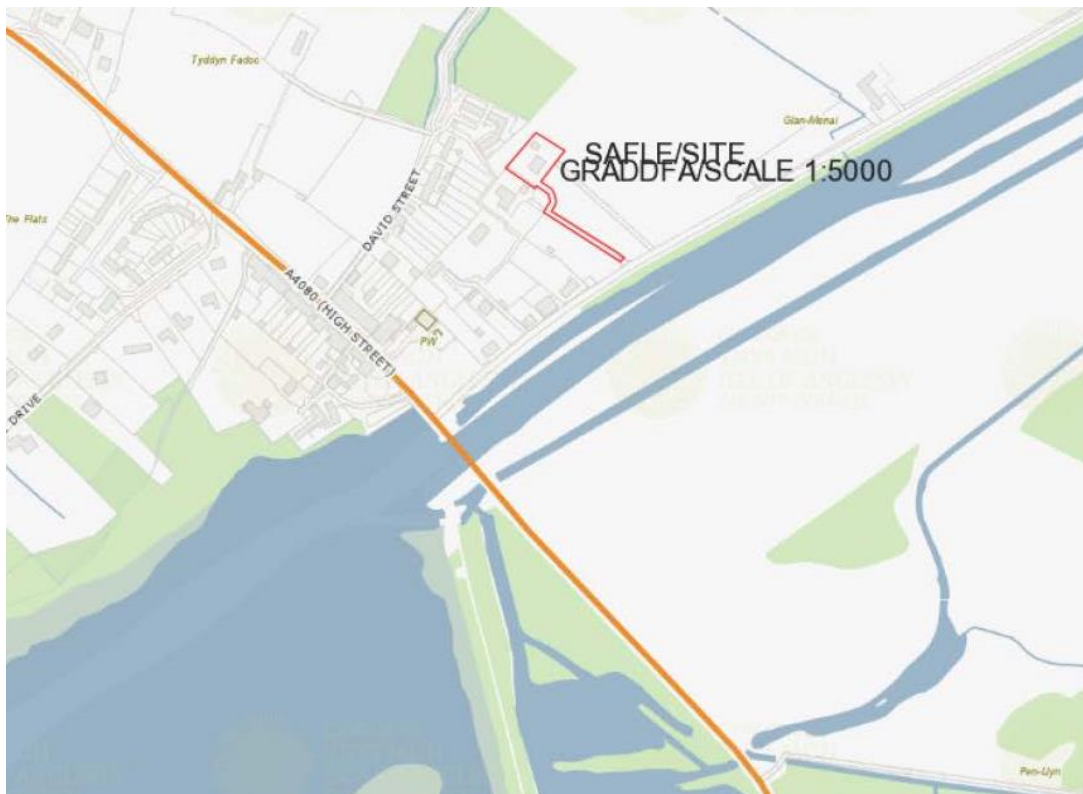
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2019/14

Applicant: Mr & Mrs Ashworth

Description: Cais o dan Adran 73A ar gyfer dileu amod (08) (lefel llawr gorffenedig) ac amrywio amod (11) (cynlluniau a ganiatawyd dan cais am y materion a gadwyd yn ôl rhif 15C48J/FR/DA) o ganiatad cynllunio amlinellol rhif 15C48H (cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd i gerbydau) er mwyn galluogi diwygio gosodiad a dyluniad yr annedd a'r modurdy a ganiatawyd gynt ynghyd a codi wal amddiffyn llifogydd perimedr newydd yn / Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at

Site Address: Cae Eithin, Malltraeth



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Members due to concerns regarding access and land ownership issues.

At the meeting held on the 3rd July, members resolved to visit the site. The site visit took place on the 17th July 2019 and members will now be familiar with the site.

Proposal and Site

The application is submitted under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall.

The application site is located within the development boundary of Malltraeth which is identified as a Coastal Village in the Joint Local Development Plan.

Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design, impact upon flood risk, the character and appearance of the area and amenities of neighbouring properties.

Policies

Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development
 Policy PCYFF 2: Development Criteria
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 1: Development Boundaries
 Strategic Policy PS 17: Settlement Strategy
 Policy TAI 4: Housing in Local, Rural & Coastal Villages
 Policy TAI 15: Affordable Housing Threshold & Distribution
 Policy AMG 2: Special Landscape Areas
 Planning Policy Wales (Edition 10, December 2018)
 Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)
 Technical Advice Note 15: Development and Flood Risk (2004)

Response to Consultation and Publicity

Consultee	Response
Awdurdod Glo / Coal Authority	The application site does not fall within a Development High Risk Area.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Cynghorydd Peter Rogers	Request that the application be referred to the Planning Committee on the grounds that there is a dispute over ownership of the land and there are further claims that the development has breached the original planning decision.
Cynghorydd Bryan Owen	Request that the application be referred to the Planning Committee due to access and land ownership issues.

Cyngor Cymuned Bodorgan Community Council	Objection with regard to access and landownership issues and concern regarding the visual impact of the proposed flood defence wall.
Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	No objection.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	As the application site is within a C2 flood zone we shall allow NRW to comment upon the flood risk aspect of the application.
Dwr Cymru Welsh Water	No comments.

The application was afforded two means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 07/05/2019. At the time of writing this report, four letters had been received, the main points raised are summarised below:

- i. The development will increase the visual impact of the development.
- ii. The dwelling is 250mm wider, 250mm longer and 25% higher than approved.
- iii. The erection of a new flood defence wall will exacerbate the problem of visual impact still further.
- iv. The height of the dwelling impacts upon the amenities of the neighbouring property particularly as it has been built higher than the proposed plans previously approved.
- v. The proposed flood defence wall would potentially cause more problems with water to drain into the adjoining field which will make it wet for livestock unless they have adequate drainage in place.
- vi. The application relates only to the changes to the dwelling and does not relate to the issues of the access to the property. This is vital as there are land ownership issues with the access and they cannot comply with highways requirements. This should be resolved first as it stand there is no right of way for vehicles.

Points i - vi above are addressed in the main body of this report and in response to points v & vi I would comment as follows:

- vii. The dwelling is located on higher ground than the paddock to the front, therefore should a flood event occur the paddock would be affected, it is not anticipated that any flooding of the paddock, or the surrounding area would be exacerbated further as a result of the flood defence wall due to the fact that the proposed wall is to be constructed close to the dwelling.
- viii. The LPA are aware of issues relating to the access as regards a breach of condition and an ongoing land ownership dispute. Proposals have been drawn up in an effort to resolve the planning issues and a further application will be submitted pending determination of the current application. The access and driveway to Cae Eithin was approved as a separate and stand-alone permission following the grant of the original outline and reserved matters permissions in which the original access to the proposed dwelling was via the shared access drive serving Pen Parc. The development of the dwelling has been undertaken and is served by its own private access and driveway subsequently approved, but in relating to this an ongoing enforcement investigation is proceeding. However, given that the amendments to the dwelling potentially render it unauthorised, it was deemed prudent to deal with these matters first to regularise matters relating to the dwelling.

A further letter was received following the Planning Committee held on the 3rd July 2019, the content of the letter and the Local Planning Authority's response is detailed in the main body of the report.

Relevant Planning History

15C48 – Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 08/01/1990

15C48A - Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 20/08/1990

15C48F - Outline application for the erection of 24 dwellings, comprising of 13 detached dwellings and 11 affordable dwellings together with construction and alterations to the vehicular access and the construction of a new pedestrian access on land between David St and Viaduct Road, Malltraeth – Refused 06/07/2005

15C48G – Outline application for residential development on land at Pen Parc, Malltraeth – Refused 18/06/2007

15C48H – Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjacent to Pen Parc, Malltraeth – Granted 07/02/2012

15C48J/FR/DA - Application for reserved matters for the erection of a dwelling together with the construction of a vehicular access on land adjacent to - Pen Parc, Malltraeth – Granted 17/03/2015

15C48K/FR - Full application for the construction of a new vehicular access and drive at - Pen Parc, Malltraeth - Granted 25/06/2015

15C48L/MIN - Minor amendments to scheme previously approved under planning permission 15C48J/FR/DA so as to install solar - Pen Parc, Malltraeth - Granted 23/12/2015

Main Planning Considerations

The principle of a dwelling in this location has already been established under outline planning permission reference 15C48H and subsequent approval of the reserved matters under planning permission reference 15C48J/FR/DA and has since been completed and occupied.

As part of the initial outline and reserved matters permissions, it was originally intended that access to the property would be shared with Pen Parc with an access and driveway constructed from the existing driveway to Pen Parc into the plot, however planning permission was subsequently granted in June 2015 for a separate private access and driveway to Cae Eithin under planning permission reference 15C48K/FR.

The application has been submitted following an enforcement investigation relating to a breach of conditions of the above mentioned separate and stand alone planning permission for the access (ref 15C48K/FR) during which anomalies relating to the dwelling itself were identified.

The identified issues in relation to this application are:

- i. The finished floor level (FFL) of the dwelling is 170mm below the minimum level of 4.42m Above Ordnance Datum (AOD) stipulated in condition (08) of the outline permission;
- ii. The dwelling is sited some 2m further North East than approved;
- iii. The dwelling is 250mm longer and 250mm wider than approved;
- iv. Amendment to the orientation of the garage.

In addition to the above, breaches were also identified in relation to an extension to the curtilage and conditions of the planning permission for the access. Separate applications will be submitted in an effort to regularise these matters pending determination of the current application.

The current application has been called-in by the Local Members on the grounds of issues relating to the access and land ownership. The LPA acknowledge issues relating to access and land ownership, however they have little bearing in relation to this application which relates specifically to the dwelling. The private access and driveway to Cae Eithin was approved as part of a later, separate and stand-alone application and pending determination of this application, a further application will be submitted in an effort to regularise outstanding planning issues relating to the access. Whilst land ownership disputes are

generally private legal matters, it is anticipated that any issues there may be in this regard will be resolved as part of the forthcoming application.

Notwithstanding that development plan policies have changed since planning permission was originally granted through the adoption of the Anglesey and Gwynedd Joint Local Development Plan, the site is nevertheless located within the development boundary of Malltraeth and Policy TAI 4: Housing in Local, Rural & Coastal Villages states that subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, proposals for open market housing will be granted provided they conform to all the following criteria:

- i. That the size, scale, type and design of the development corresponds with the settlement's character,
- ii. The site is within the settlement's development boundary.

As the application relates to a single dwelling, there is no requirement to provide an element of affordable housing in this instance.

The principle of the development is therefore considered to be acceptable and in accordance with the provisions of policy TAI 4.

In relation to the specific issues that this application is seeking to regularise:

Finished Floor Level (FFL)

Condition (08) of the outline permission ref 15C48H required that the finished floor level (FFL) of the dwelling be set at a minimum of 4.42m AOD to safeguard the development and future occupants from flooding for the lifetime of the development, however the actual finished floor level of the dwelling is 4.25m AOD, therefore 170mm lower than the level specified in the condition.

Prior to the submission of the application the applicant employed the services of a Flood Management Consultant and liaised with Natural Resources Wales to explore the options available to address the identified flood risk as a result of the reduced FFL.

It is proposed to construct a new perimeter flood defence wall around the property with the top of the flood defence wall set at 4.7m AOD to reflect the fact that the flood zone for the area has been reclassified from a C1 zone to a C2 zone since the initial permissions were granted. This level represents the 0.5% Annual Exceedence Probability (AEP) sea level with allowances for 100 years of climate change. The average height of the wall will be 600mm +/- approx. 200mm dependant on ground levels.

The proposed flood defence wall will be constructed close to and around the entire dwelling with a small gap in the Northern corner fitted with a flood defence guard to allow for access and egress. The wall will be finished to match the existing dwelling.

The dwelling is located approximately 118m from the highway, separated therefrom by a paddock. The lower parts of the dwelling are largely screened by existing landscape features and consequently it is not considered that the proposed flood defence wall which will be finished to match the existing dwelling will give rise to an unacceptable visual impact.

Natural Resources Wales have been consulted as part of the application and have raised no objection, indeed in light of the fact that the flood risk of the area has since been reclassified from a C1 zone to a C2 zone and that the height of the flood defence wall takes account of this, the dwelling will in fact be better protected from flooding events than would have been the case had the dwelling been constructed in accordance with the original details. In addition, given the proposed walls close proximity to the dwelling, coupled with the fact that the dwelling is located on slightly higher ground than the neighbouring property, it is not anticipated that the neighbouring property would be impacted to a significantly greater extent should a flooding event occur.

In light of the above it is therefore considered that the deletion of condition (08) is acceptable in lieu of the construction of the flood defence wall and a condition will be imposed requiring that the flood defence wall be constructed within 6 months of the date of the permission and that the dwelling shall not be occupied until it is completed and operational.

Siting

Following the discussion at the Planning Committee on the 3rd July and the Members decision to undertake a site visit, further representations have been received drawing attention to a perceived error in the initial report in relation to the position of the dwelling in relation to the neighbouring property and the boundary between them.

The representation quotes the following extract from the report:

"The dwelling has been constructed some 2m North East of the approved position (further away from Pen Parc). It was noted during the enforcement investigation that there has been an alteration in the position of the boundary between Pen Parc and Cae Eithin such that the boundary now lies some 2m closer to Cae Eithin than was shown on the plans submitted as part of the initial planning applications and which may account for the slight adjustment in the position of the dwelling."

The writer has provided two aerial photographs taken in 2018 and prior to 2015 and states that these demonstrate that the boundary fence has not be re-sited and that the information submitted to the Planning Committee was therefore incorrect.

The writer further states that the confusion has been caused by the fact that the plans submitted as part of the initial planning applications do not conform with OS plans, Land Registry Plans or reality and that at the time of setting out the new building both the groundworks contractor and the main building contractor, who were furnished with the drawings, were, for several days, unable to reconcile these with the real world and requested access to the neighbouring property on numerous occasions to measure and re-measure from points of the adjacent buildings. Their attempts to take corroborating measurements from the fence between the two properties to the new build failed.

It goes on to state that during the enforcement investigation the Enforcement Officer was presumably using the same submitted drawings when considering the position of the new building. The question then has to be asked, is the building correctly sited because it complies with the position shown on the inaccurate but approved application? Or is it correctly sited with reference to the other buildings? This should be established prior to regularising the breach of conditions as a breach may not exist at all.

It further comments that what is known is that the stock proof fence between the properties is 2 metres to the South West of the legal property boundary and is depicted on OS plans and Land Registry Plans. This again is evidence of the inaccuracy of the submitted plans and can be determined from examination of the attached drawings. An extrapolation in a North Westerly direction of the fence line shown on the Proposed Location Plan gives a line which does not make contact with Pen Parc Bungalows. By comparison the projected line on OS plans and the Land Registry Plans passes through 7 Pen Parc Bungalows. The new construction is therefore probably 2m closer to Pen Parc than the Enforcement Officer calculated, not further away.

The writer goes on to acknowledge that it is appreciated that the Planning Department cannot become involved in land ownership disputes but explains that it is errors as detailed above, in the plans submitted as part of the initial planning application, and their variance with legal documentation and OS plans, which triggered the initial boundary dispute. The entire boundary between the two properties detailed on the submitted plans has been shown to be incorrect in relation to the OS plans and Land Registry plans (all in the applicant's favour).....

Following receipt of the above representations further assessment has been undertaken in order to understand and establish the situation in relation to the actual position of the boundary and dwelling in

comparison the details which were initially submitted and approved as part of the outline and reserved matters applications.

The position of the boundary between Pen Parc and Cae Eithin as shown on the plans submitted as part of both the outline and reserved matters applications was 2.4m from the rear of Pen Parc's detached garage (excluding the lean to extension to the rear of the garage). In reality the boundary (stock-proof fence) lies 4.6m from the rear of the garage.

The LPA do not dispute however that the position of the fence has been altered but rather it was positioned in the incorrect location at the outset. That this caused difficulty and confusion for the builders at the time of setting out the new dwelling is entirely understandable.

It can be confirmed that the submitted (and approved) plans were used during the enforcement investigation when considering the position of the new dwelling, there were after all no other details against which to assess matters, in addition that there are discrepancies between OS data and actual measurements is an issue which became apparent when attempting to establish whether the new access and driveway conformed with the approved plans and which has served to only confuse matters further. In relation to Land Registry plans, it is not uncommon for Land Registry plans to differ from planning application plans, hence the reason the LPA do not become embroiled in land ownership disputes.

The writer claims that the stock-proof fence is 2 metres to the South West of the legal property boundary and is depicted on the OS plans and Land Registry Plans, assuming that the plans referred to are those accompanying the e-mail, then it is pointed out that the position of the boundary on each of the plans is different, with the actual position broadly depicted correctly on the Land Registry Plan and which is in fact, on average approx. 2m to the North East than the position indicated on the plans submitted as part of the outline and reserved matters applications.

The question is asked whether the building is correctly sited because it complies with the position as shown on the inaccurate but approved plans or is it correctly sited with reference to the other buildings?

According to the proposed site plan approved under the reserved matters application, the distance between the gable of Pen Parc and the gable of Cae Eithin was 23.2m (12m between the rear of Pen Parc's garage and Cae Eithin). The actual distance (based on OS data) is 24.8m between the gable's of each property and 13.6m from the rear of Pen Parc's garage. Cae Eithin is therefore 1.6m further away from Pen Parc than was shown on the approved plans. The result of this is that it is Pen Parc which has in fact benefited because the boundary is located some 2m further away from Pen Parc than was approved and does not favour the applicant as claimed.

In response to the above question, the answer is therefore 'neither'. It appears that the position of the dwelling has been determined in relation to the 'altered' position of the boundary and that as a result of boundary being 1.6m further away from Pen Parc than it's approved position, the dwelling has moved commensurate with it.

It is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

Scale

It was also found during the enforcement investigation that the dwelling measures 250mm longer and 250mm wider than approved.

Again, it is not considered that this slight variation, results in a development which is materially different that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

Garage

As access to the property was initially via the existing access and driveway serving Pen Parc, the approved garage was orientated with the front gable facing Pen Parc. A separate private access and driveway was subsequently granted and as a result the orientation of the garage has been altered such that the front gable of the garage now faces the new driveway. This is considered to be an acceptable and reasonable adjustment which does not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

Height

Concerns have been raised that the height of the dwelling is in breach of condition (10) of outline planning permission ref 15C48H which states that the building proposed to be erected on the site shall be of a single storey or of a dormer construction and the ridge height shall not exceed 6 metres.

It was clear from the outset, as part of the original outline application (15C48H), that as the site was located within a flood risk area, that it would be necessary to raise the original ground level in order to achieve minimum finished floor level to mitigate the risk of flooding and in accordance with NRW's requirements a condition was imposed stipulating the minimum finished floor level.

Information contained within the Design and Access Statement submitted as part of the outline application clearly stated that, in terms of the scale of the dwelling, the ridge height would be no higher than 6m from the finished floor level – not original ground level and the outline planning permission subsequently issued included a condition stipulating the minimum finished floor level together with a condition that the ridge height shall not exceed 6m.

It is therefore evident that in both the outline and reserved matters applications, that the maximum ridge height was determined from the proposed finished floor level, having regard to the necessity to increase the ground level to mitigate the flood risk and not the original ground level and it is on this basis that both applications were assessed and determined.

The original ground level has been increased by approximately 1m and the height from the new ground level to the floor is 300mm, the height to ridge from the floor level is 5.85m giving an overall height from the original ground level to ridge of approx. 7.15m.

It is noted however, that whilst condition (10) of the outline permission stipulates that the ridge height shall not exceed 6 metres, it does not however specify from where measurements ought to be taken, consequently it is not considered that the condition meets the Circular tests for conditions as regards precision and would therefore likely be unenforceable.

It is clear, based upon the plans that were submitted and subsequently approved under the reserved matters application that the overall height to ridge from the original ground level would in fact exceed 6m. Therefore, had the original intention of the condition been to limit the height of the dwelling from the original ground level, then not only should the condition have been clearer in this regard but the plans would need to have been amended to reduce its height to take account of this.

Concern has also been raised regarding the impact of the increase in the width of the dwelling, by 250mm upon the height of the roof and that the actual height of the dwelling exceeds the permitted height by 450mm.

The approved height from the FFL to Ridge was 5.40m, the actual height from FFL to ridge is 5.85m, a difference of 450mm. However, taking into account a small increase as a result of the increase in width and the fact that the FFL should have been 170mm higher than it has been constructed, the overall increase in the height of the dwelling is 280mm. This represents a minor increase to the approved height, but which remains under 6m from the FFL as required by condition (10) of the outline permission.

Notwithstanding the potential unenforceability of the condition, in terms of the impacts on the amenity of the locality and nearby residential occupiers, it is not considered that the height of the dwelling as built has an unacceptable impact such that refusal of the application could be warranted.

Conclusion

The proposed flood defence wall will mitigate the flood risk to the property consequently the deletion of condition (08) of the outline planning permission is considered to be acceptable subject to a new condition requiring the wall to be constructed within 6 months and that the dwelling shall not be occupied until it is completed and operational.

The variation to the siting and scale of the dwelling and amendment to the orientation of the garage does not, in the opinion of the Local Planning Authority, lead to a development which is materially different to that which was originally granted. The amendments are considered to be acceptable and do not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

Whilst every effort has been made to establish the precise facts in relation to various aspects of this matter, it is evident that this has not always been possible. Planning issues (particularly in relation to planning enforcement) are rarely black and white and there are often 'grey areas'.

The extent of the differences between what has been approved and what has been built is less important than the overall impacts of the changes. What is clear, is that notwithstanding some minor variations, the development as built does not depart from the approved details to such an extent that it give rise to considerably greater impacts such that the application should be refused.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

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

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

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

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

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

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

(04) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.

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

(05) Within 6 calendar months of the date of this permission, the flood defence wall and gate shall be constructed in accordance with the details contained in the Flood Mitigation Assessment (Phil Jones Consultancy, August 2018) and details shown on drawing number 2250:19:3: Proposed Site Plan and Section. The dwelling shall not be occupied until the flood defence wall and gate have been completed and are operational.

Reason: To safeguard the development and future occupants from flooding for the lifetime of the development.

(06) The development hereby permitted shall be carried out in strict conformity with shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- 2250:19:3: Proposed Site Plan & Section
- 2250:19:4a: Proposed Elevations
- Flood Mitigation Assessment, Phil Jones Consultancy, August 2018

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS5, PCYFF1, PCYFF2, PCYFF3, PS17, TAI4, TAI15 and AMG2.

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.

Planning Committee: 24/07/2019

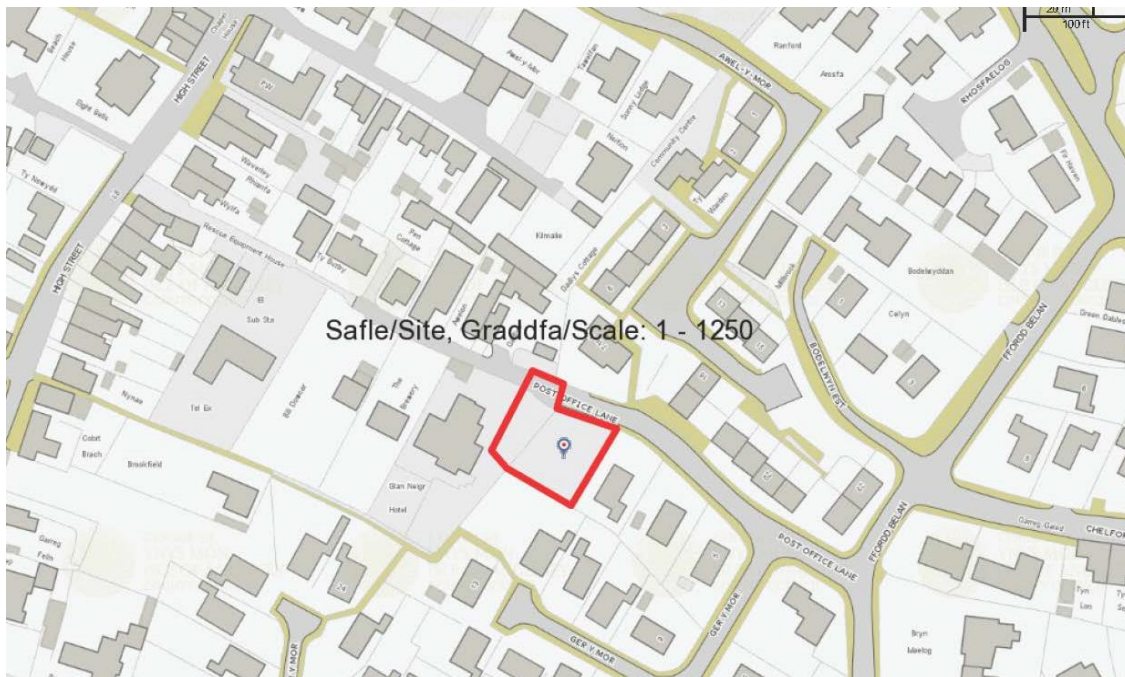
10.1

Application Reference: VAR/2019/34

Applicant: Mr Alan Kelly

Description: Cais dan Adran 73 i amrywio amodau (13) (mynediad) a (15) (cyfleuster parcio ceir) o ganiatâd cynllunio amlinellol 28C511 (cais amlinellol ar gyfer dymchwel yr annedd bresennol ynghyd â chodi 4 o fflatiau) ac amodau (02) (tirlunio), (03) (mynediad), (07) (cyfleuster parcio ceir) a (08) (cynlluniau a gymeradwywyd) o'r materion cysylltiedig a gadwyd yn ôl ar gais 28C511A/DA (cais mewn perthynas â'r materion a gadwyd yn ôl ar gyfer codi 4 fflat) er mwyn diwygio'r cynlluniau a gymeradwywyd fel y gellir altro'r fynedfa i'r safle, parcio a thirlunio yn / Application under Section 73 for the variation of conditions (13) (access) and (15) (car parking) of the outline planning permission 28C511 (outline application for demolition of the existing dwelling together with the erection of 4 flats) and conditions (02) (landscaping), (03) (access), (07) (car parking) and (08) (approved plans) from the associated reserved matters 28C511A/DA (application for reserved matters for the erection of 4 flats) so as to amend the approved plans enabling alterations to the site access, parking and landscaping at

Site Address: 8 Ger Y Mor, Rhosneigr



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

Proposal and Site

This is an application under Section 73 for the variation of conditions (13) (access) and (15) (car parking) of the outline planning permission 28C511 (outline application for demolition of the existing dwelling together with the erection of 4 flats) and conditions (02) (landscaping), (03) (access), (07) (car parking) and (08) (approved plans) from the associated reserved matters 28C511A/DA (application for reserved matters for the erection of 4 flats) so as to amend the approved plans enabling alterations to the site access, parking and landscaping at 8 Ger y Mor, Rhosneigr.

Key Issues

The key issue is whether the proposal is an improvement to that originally approved under application reference 28C511 and 28C511A/DA.

Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI 5 – Local Market Housing

TAI 8 – Appropriate Housing Mix

TAI 15 – Affordable Housing Threshold + Distribution

TRA2 – Parking Standards

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfaelog Community Council	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Standard Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Dwr Cymru/Welsh Water	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No response
Iechyd yr Amgylchedd / Environmental Health	No observations
Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding	No response
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Conditional Approval
Swyddog Llwybrau / Footpaths Officer	No objection
Pennaeth Gwasanaethau Tai / Head of Housing Services	No response

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 23/7/19. At the time of writing the report no letters had been received.

Relevant Planning History

28C511 - Outline application with some matters reserved for demolition of the existing dwelling together with the erection - 8 Ger y Mor, Rhosneigr.

28C511A/DA - Reserved Matters - Cais am faterion a gadwyd yn ôl ar gyfer dymchwel annedd presennol ynghyd a chodi 4 fflat (1 ystafell) yn / Application for reserved matters for demolition of the existing dwelling together with the erection of 4 flats (1 bedroom) at - 8 Ger Y Môr/Whispering Sands, Rhosneigr

Main Planning Considerations

The principle of the proposed scheme has already been established. An outline planning application was approved on the 16/11/15 and a reserved matters application was approved on the 14/2/19.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan, Rhosneigr is identified as a Local Service Centre under the provisions of Policy TAI 5. The policy does not support the provision of open market housing. However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented?
- Are the amendments to the permission better than that previously approved?

A reserved matters application reference 28C511A/DA was approved on the 14/2/19 and the likelihood of it being implemented is very likely

Amendments

The proposed amendments are as follows:

- The access approved under the previous planning application was via the GlanNeigr public house and parking was located to the North West of the site. The proposal involves moving the access in a central location of the application site.
- A total 7 no car parking spaces were sited to the North West of the site under the approved permission. The application has now been amended and 4 no car parking spaces are located to the North West of the site and 4 no car parking spaces are located to the North East of the site.
- The landscaping scheme has been amended to accommodate the amended access and car parking facility.
- A 2m high boundary fence has been placed on the East and South boundaries.

Consideration has been given to the amendments, and the possible impact upon the amenities of adjacent residential properties. The neighbouring property known as '7 Ger y Mor' does have windows in the side elevation overlooking the site; however, the windows entail a door and 2 small windows (1 being obscure glass). It is therefore, not considered that these are main windows. Although the proposal entails car parking facilities close to the neighbouring property '7 Ger y Mor' it is considered that the 2m high fence on the East boundary will serve to deflect car headlights, would reduce noise levels generated on

the site and alleviate any overlooking. The fence will also alleviate any overlooking to the property at the rear '12 Ger y Mor'.

The Highways Authority is satisfied with the new access and parking arrangements.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 23/7/19. At the time of writing the report no letters has been received. It is not considered that the proposal will have a negative impact upon adjoining residential properties.

Conclusion

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for the erection of 4 flats.

It is not considered that the proposed changes deteriorate that of the previous approved scheme.

Recommendation

(01) The development to which this permission relates shall be begun not later than 14/02/2021.

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

(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:

- Proposed site plan – 2600:18:3D
- Proposed Elevations and Floorplans – 2600:18:6A
- Wall Mounted Ventilation Unit details – Received 31/1/19
- Location Plan – 2600:18:1
- Military Jet Noise Assessment – Martec Environmental Consultants Ltd dated 1/11/18

under planning application reference 28C511A/DA and VAR/2019/34.

Reason: For the avoidance of doubt.

(03) No development shall commence until a management and maintenance plan for the communal surface water drainage system, including proposed areas of permeable paving which should demonstrate how the operation of the scheme is to be secured for the lifetime of the development which shall include details of any arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure the development is adequately drained.

(04) The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion / occupation of the development. The completed scheme shall be maintained for the lifetime of the permission.

Reason: In the interests of the visual amenity of the locality

(05) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

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

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(07) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(08) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before any work is commenced on the remainder of the development before the use hereby permitted is commenced.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

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

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

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

Reason: To ensure a satisfactory appearance of the development

(11) The provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the interests of residential and visual amenity

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

Reason: To protect the integrity of the public sewerage system

(13) No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system.

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

(14) No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

(15) No development shall take place until a scheme for the creation of a boundary screen between between the plot and 7 Ger y Mor and 12 Ger y Mor, which shall include an acoustic fence, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the erection of the boundary screen and once erected, in accordance with the approved details, the screen shall be retained, in perpetuity, with any replacement required due to general wear or accidental or other damage being of the same specification as that originally approved.

Reasons: In the interest of amenity and privacy.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF3, TAI5, TAI8, TAI15 and TRA2

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.

Application Reference: VAR/2019/32

Applicant: Mr J Hewitt

Description: Cais dan Adran 73A i amrywio amod (02) (manylion draenio) o ganiatâd cynllunio cyfeirnod 17C126F/DA (cais mewn perthynas â'r materion a gadwyd yn ôl ar gyfer codi annedd) er mwyn galluogi cyflwyno'r manylion yn dilyn cychwyn gwaith yn / Application under Section 73A for the variation of condition (02) (drainage details) of planning permission reference 17C126F/DA (application for reserved matters for the erection of a dwelling) so as to allow for the submission of drainage details following the commencement of works at

Site Address: Yr Erw, Llansadwrn



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Planning and Orders Committee as the application is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

Proposal and Site

The application site is located in the Cluster of Llansadwrn.

Key Issues

The key issue in this case is whether adequate details have been provided to demonstrate how surface water run-off from the vehicular access and parking area is to be managed and contained within the curtilage of the site.

A fallback position exists (safeguarded consent), however the development has commenced without discharging conditions. This application therefore seeks to regularise the situation such that the details may be submitted and agreed post commencement, however the subsequent change in policy following the adoption of the Joint Local Development Plan is a material factor which must be taken into account.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy TAI 6: Housing in Clusters
Planning Policy Wales (Edition 10, December 2018)
Technical Advice Note 12: Design (2016)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Carwyn Jones	No response at time of writing report.
Cynghorydd Lewis Davies	No response at the time of writing the report.
Cynghorydd Alun Roberts	No response at the time of writing the report.
Cyngor Cymuned Cwm Cadnant Community Council	No response at the time of writing the report.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	The details submitted appear satisfactory to manage surface water run-off from the proposed development.

Response to Publicity

The application was afforded three means of publicity; these were the posting of a notice near the site, the serving of personal notification letters on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 10/06/2019.

At the time of writing the report 1 representations had been received, with the main points raised summarised below:

- the applicant gives the impression that the soakaways are on good quality land, however part of the site is on rock. There is no way of making a detailed assessment as there is a large storage container in the location of the soakaway.
- The water from the gutters, sinks, bath and shower will all go to the proposed soakaways. These are within 5 yards of a watercourse that runs along side the highway. In the event of a flood, the watercourse would certainly be polluted.

- Sewerage is currently discharged to the land, are there any rules which require connection to mains sewerage if it is within a certain distance of the site.

In response to the above points:

- The condition which this application is seeking to vary and discharge is in relation to the management of surface water run-off from the vehicular access and parking area only and does not relate to drainage from the proposed dwelling which have been considered an approved as part of the earlier outline and reserved matters applications. It is also noted that the storage container referred to is not located within the area of the vehicular access and parking area.
- It is intended to connect to the mains in relation to foul sewage disposal.

Relevant Planning History

17C126 - Datblygu tir ar gyfer codi tai ar rhan o / Residential development of land part of O.S 4668 near Caerau, Llansadwrn. Gwrthod / Refused 11.5.89

17C126A - Cais amlinellol ar gyfer codi annedd ynghyd a chreu mynedfa newydd ar dir yn / Outline application for the erection of a dwelling together with the construction of a new vehicular access on land at Caerau, Llansadwrn Gwrthod / Refused 2.7.03

17C126B Creu mynedfa newydd ar gyfer cerbydau yn/Construction of a new vehicular access at Caerau, Llansadwrn Caniatau/Granted 6.11.03

17C126C Cais amlinellol ar gyfer codi annedd yn/Outline application for the erection of a dwelling at Caerau, Llansadwrn Gwrthod / Refused 7.10.04

17C126D Cais amlinellol ar gyfer codi annedd ar dir ger/Outline application for the erection of a dwelling on land adjoining Caerau, Llansadwrn Caniatau / Granted 9.3.12

17C126E/DA Cais am faterion a gadwyd yn ôl ar gyfer mynedfa a gosodiad ar dir yn / Application for reserved matters for access and layout on land at Caerau, Llansadwrn Caniatau/Granted 27.3.14

17C126F/DA ais am faterion a gadwyd yn ôl ar gyfer codi annedd ar dir ger / Application for reserved matters for the erection of a dwelling on land adj Caerau, Llansadwrn Caniatau/Granted 2.7.15

17C126G/LUC - Cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer defnydd neu ddatblygiad arfaethedig yn cynnwys gwaith a wnaed ar y fynedfa er mwyn gweithredu caniatâd 17C126F/DA ar dir ger / Application for a Lawful Development Certificate for proposed use or development comprising of works to access undertaken to implement planning permission 17C126F/DA on land adjacent to Caerau, Llansadwrn Cyfreithiol / Lawful 15.10.18

Main Planning Considerations

The principle of the development in this location has already been established under outline planning permission ref 17C126D and the subsequent approval of the reserved matters under application refs 17C126E/DA and 17C126F/DA. Furthermore, a certificate of lawfulness was issued on the 15th October 2018 confirming that the development had been lawfully implemented by virtue of works to the access such that the planning permission for the erection of a dwelling is safeguarded in perpetuity.

The above works were however undertaken without first having discharged condition (02) of planning application ref 17C126F/DA which required the submission of details to demonstrate how surface water run-off from the vehicular access and parking area is to be managed and contained within the curtilage of the site prior to the commencement of the development.

This application therefore seeks to regularise the situation by way of an application under Section 73A so as to vary the requirements of the condition to allow for the submission of the required details following the commencement of works, in addition the details required have been provided as part of the application such that the condition may be both varied and discharged simultaneously.

However, since the adoption of the Joint Local Development Plan (JLDP), Llansadwrn is now identified as a cluster where any new dwelling must be for affordable local need on an infill site. The application is

therefore contrary to the provisions of policy TAI 6 of the JLDP; however a fallback position exists since the site benefits from a safeguarded consent for the erection of a dwelling.

As noted above the details required by the condition have been submitted as part of the application and following consultation with the Drainage Section, it has been confirmed that the submitted details are acceptable and satisfy the requirements of the condition retrospectively. The submitted details demonstrate that surface water run-off from the parking area will be discharged into the proposed soakaway, similarly surface water run-off from the tarmaced section of the access will be directed to an aco-channel and carried to the soakaway.

Approval of an application under Section 73A effectively involves the grant of a new permission for the development and notwithstanding that due to the subsequent change in policy since the original permission was granted such that the development is now considered to be a departure from adopted policies, a fallback position nevertheless exists and the fundamental issue in this case related to drainage matters.

The Local Planning Authority is aware of local concern regarding the fact that little progress has been made to construct the approved dwelling and that the applicants are currently living in a static caravans on the site and have done so since November 2016. However, permitted development rights allow for the temporary siting and occupation of caravans during the course of development.

As a result of the failure to discharge conditions of the original consents, the applicants have thus far been unable to make progress on the construction of the dwelling and it is anticipated that upon determination of the current application that works may proceed to construct the dwelling. Furthermore the applicants have been advised that the permitted development rights which allow them to live in caravans on the site, apply only in connection with the development of the land and that they cannot rely indefinitely on the permitted development rights should the development not proceed in a timely manner.

Conclusion

Notwithstanding that the commencement of works without first discharging the above mentioned condition constitutes a breach of the condition and that it is open to the Local Planning Authority to take formal enforcement action by way of the issuing of a Breach of Condition Notice, approval of the current application will serve to achieve the same result and enable the development to proceed.

The details required by the condition have been submitted as part of the application and following consultation with the Drainage Section, have found to be acceptable and satisfy the requirements of the condition.

The current situation with regard to the site is patently undesirable and the current application will serve to satisfactorily resolve the situation such that the works to construct the approved dwelling can now be undertaken.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

Recommendation

(01) The vehicle driveways shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining footway.

Reason: In order to minimise danger, obstruction

(02) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(03) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before the dwelling is occupied.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(04) The turning area shall be completed in full accordance with the details as shown on the submitted plan drawing reference AL0006 before the dwelling is occupied and thereafter retained solely for those purposes.

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

(05) The access shall be laid out and constructed strictly in accordance with the submitted plan, Drawing No. AL0006 before the dwelling is occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

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

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

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

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

(08) The surface water drainage systems shall be completed in full accordance with the submitted details, drawing reference AL0006 before the dwelling is occupied.

Reason: To ensure the development is adequately drained and to prevent the increased risk of flooding on and off the site.

(09) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission:

- Location Plan approved under planning permission reference 17C126F/DA.
- Proposed Site Plan: AL0003 dated March 2015 approved under planning permission reference 17C126F/DA.
- Proposed Floor Plans: AL0004 dated March 2015 approved under planning permission reference 17C126F/DA.

- **Proposed Elevations: AL0005 dated March 2015 approved under planning permission reference 17C126F/DA.**
- **Proposed Section A-A: AL0005 dated March 2015 approved under planning permission reference 17C126F/DA.**
- **Proposed Site Drainage Plan: AL0006 dated 25 October 2016.**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF1, PCYFF2, PCYFF3, PCYFF4 and TAI 6.

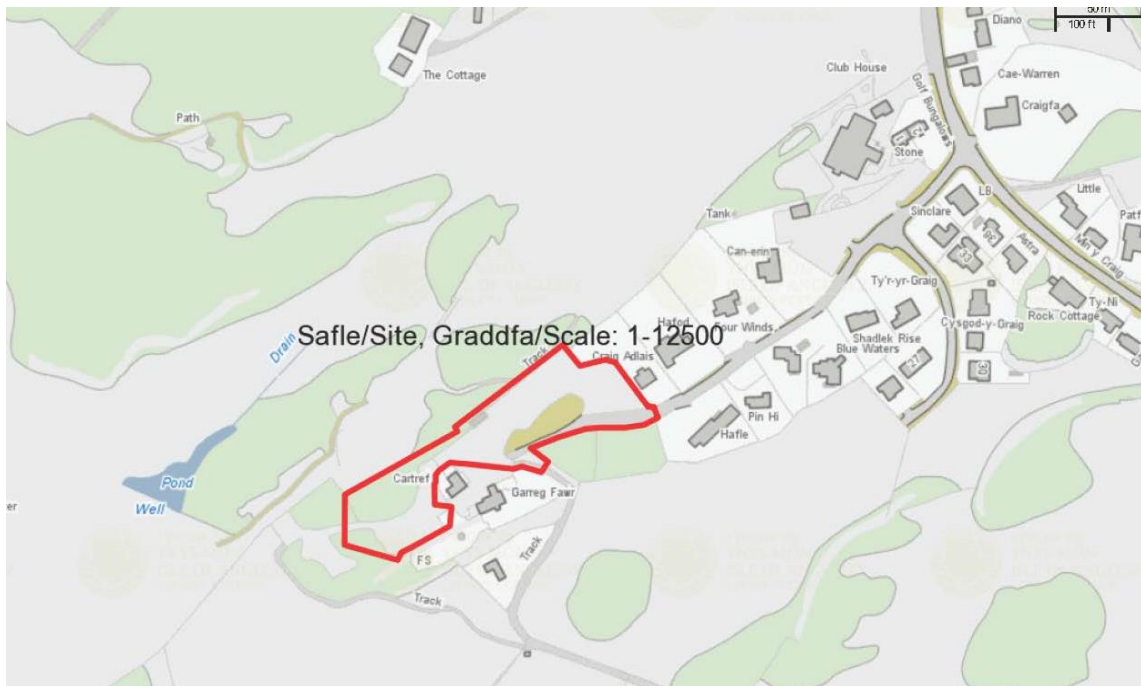
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2019/42

Applicant: Mr. Mark Wheldon Jones

Description: Cais o dan Adran 73A i ddiwygio amod (02) o ganiatâd cynllunio rhif 46C410F (Codi 13 o dai) er mwyn galluogi cyflwyno manylion terfynnu ar ôl i'r gwaith gychwyn ynghyd a dileu amod (07) (ecoleg) yn / Application under Section 73A for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of demarcation to be submitted after work has begun together with the deletion of condition (07) (ecology) at

Site Address: Garreg Fawr Farm, Bae Trearddur Bay



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

Proposal and Site

Application under Section 73A for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of fencing, walling and other means of enclosure can be submitted after work has commenced together with deletion of condition (07) (ecology) at Garreg Fawr Farm, Trearddur Bay.

Key Issues

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy TAI 5: Local Market Housing

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response
Cynghorydd Dafydd Rhys Thomas	No response
Cynghorydd John Arwel Roberts	No response
Cynghorydd Trefor Lloyd Hughes	No response
Cyngor Cymuned Trearddur Community Council	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Head of Service (Housing)	No response
Gwasanaeth Addysg / Education Service	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations is the 10/7/19. At the time of writing the report no letters had been received.

Relevant Planning History

46C410F - Full application for the erection of 13 dwellings together with the construction of a new vehicular access at Garreg Fawr Farm, Trearddur Bay – 12/5/16 – Granted

SCR/2019/24 - Screening opinion for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of demarcation to be submitted after work has begun at Garreg Fawr Farm, Trearddur Bay – 17/6/19 – EIA not required

SCR/2019/25 - Screening opinion for the variation of condition (07) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow ecology details to be submitted after work has begun at Garreg Fawr Farm, Trearddur Bay – 19/6/19 – EIA not required

Main Planning Considerations

The principle of developing the site for residential purposes has already been established. A planning application was approved under 46C410F for the erection of 13 dwellings. Works have commenced on site; therefore, the planning application has been implemented and permission safeguarded.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan, Trearddur Bay is identified as a Coastal and Rural Village under the provision of Policy TAI 5. The policy does not support the provision of open market housing. However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented?
- Are the amendments to the permission better than that previously approved?

A planning application for 13 dwellings has been approved on the site under planning application 46C410F and works have commenced on site. The planning permission has therefore been safeguarded.

Variation of condition (02) (Means of Enclosure)

Condition (02) of the previous planning permission 46C410F required the applicant to provide details of fencing, walling or other means of enclosure prior to the commencement of work on the site. However, work has already commenced on the site and the applicant wishes to vary the condition so as to provide the information after the commencement of works. Details of fencing and other means of enclosure have been provided with the planning application and it is considered that the submitted information is acceptable.

Boundary A-E, F-G, G-H, H-I - Existing concrete post and wire fence overhauled, with all defective sections removed and replaced with new fencing to bring the fence to an acceptable standard. Rock face trimmed to a minimum of 10 degree angle toe of face planted with Hawthorn, Blackthorn and Holly.

Boundary E - F - New earth bank shaped and top planted with Hawthorn, Blackthorn and Holly.

Boundary A-B (rear boundaries between residential properties) - 1.6m high timber post fence.

Boundary B - C (front boundaries between residential properties) - Double bevelled concrete edging kerb.

Boundary C-D - The stone wall overhauled and all defects repaired.

Deletion of condition (07) (Ecology)

Condition (07) of the previous planning permission 46C410F stated that clearing the site and demolition work would need to be undertaken outside of nesting season and any work carried out during nesting season would need to be accompanied by an updated ecology report.

Site clearance and demolition works were undertaken outside of nesting season; however, a short stretch of shrub and long grass needed an updated survey to check for nesting birds as the works to remove the shrub and long grass would take place within bird nesting season. The updated report confirmed that no nesting birds were found and the applicant was advised to proceed with the work.

It is therefore considered acceptable to delete condition (07) as its requirements have been met and to retain it after demolition and site clearance works have been undertaken would serve no continuing purpose. To date the application site has been cleared.

Adjacent residential properties

Neighbouring properties have been notified of the development, the expiry date to receive representations being 10/07/19. At the time of writing the report no letters had been received.

It is not considered that the submitted details have a negative impact upon the amenities of adjacent residential properties.

Conclusion

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for 13 dwellings.

It is considered that the previous application 46C410F has been implemented and the details of means of enclosure submitted with this planning application are acceptable. It is also considered that removing condition (07) is acceptable as its requirements have been met and its retention would serve no further useful purpose.

Permit subject to a Deed of Variation in relation to affordable housing

Recommendation

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

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

(02) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.

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

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

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

(04) The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus as all times. No part of the building will be permitted within 3 meters of the line of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

(05) Mitigation for the loss of swallow nests shall be incorporated into the garage on plot 2 within 1 month of its erection, unless otherwise agreed in writing with the local planning authority, and thereafter retained and maintained in perpetuity, in accordance with the Green Man Ecology Reports (28th May, 2012, update report (bird and bat survey) 26th June 2012 and letter dated 10th August 2012 submitted under application reference 46C410F.

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF3 and TAI5

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.

This page is intentionally left blank

Planning Committee: 24/07/2019

11.1

Application Reference: OP/2019/8

Applicant: Mr. John Jones

Description: Cais amlinellol gyda'r holl faterion wedi eu cadw'n ôl ar gyfer codi annedd ar dir yn / Outline application with all matters reserved for the erection of a dwelling on land at

Site Address: Tyn Pwll, Brynsiencyn



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is presented to the planning committee as the applicant is related to an elected member of the council.

Proposal and Site

The application site is located within the development boundary of Brynsiencyn. The plot of land is located down a narrow unclassified road which leads to a handful of other existing residential properties.

This is an outline application with all matters reserved for the erection of a dwelling on land at Tyn Pwll, Brynsiencyn.

Key Issues

The key issue is whether the development complies with relevant policies, whether the access leading to the site is adequate and whether the proposal would have a negative impact upon adjacent residential properties.

Policies

Joint Local Development Plan

PCYFF2 - Development Criteria
PCYFF3 - Design and Place Shaping.
TAI 4 - Housing in Local, Rural and coastal Villages
TRA2 - Parking Standards

Policy PCYFF 1: Development Boundaries

Response to Consultation and Publicity

Consultee	Response
Dwr Cymru/Welsh Water	Conditional Approval
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Standard Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Cyngor Cymuned Llanidan Community Council	Support
Cynghorydd Eric Wyn Jones	No response
Cynghorydd Dafydd Roberts	No response

The application was advertised by means of placing a site notice near the site, neighbouring properties were notified in writing. The expiry date to receive representations was the 24th July, 2019. At the time of writing the report no letters had been received.

Relevant Planning History

None

Main Planning Considerations

Joint Local Development Plan

Policy PCYFF1 of the Joint Local Development Plan states that proposals within development boundaries will be approved in accordance with other policies and proposals of the plan.

Brynsiencyn is identified as a Local Village under the provisions of Policy TAI4. The policy states that proposals for open market housing in Local Villages will be granted provided they conform to the criteria of the policy.

It is considered that the upper and lower limits provided as part of the planning application is acceptable and the application site is within the development boundary of Brynsiencyn.

Highways

Access to the application site is gained via a narrow road leading up to High Street, Brynsiencyn. The Highways Authority has confirmed that the application site is located off a private un-adopted road which currently serves a number of other properties and as this application is for a single dwelling it will not generate a significant increase in traffic which would have a detrimental impact on the highway. Therefore they have recommended conditional approval.

Siting, Design, External Appearance, Landscaping and Amenity Considerations.

An approximate location of the dwelling is shown on the proposed block plan with details of upper and lower measurements. All other details have been reserved for future consideration.

The plot is located at a lower level than existing dwellings on the High Street. It is not considered that the erection of a dwelling in this location would have a negative impact upon the amenities of adjoining properties.

The design, external appearance and landscaping will be considered at the reserved matters stage.

Conclusion

The application site is within the development boundary of Brynsiencyn and complies with the requirements of Policy TAI 4. The Highways Authority has confirmed that they are satisfied with the proposal and the proposal complies with the requirements of TRA2.

Recommendation

(01) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

(02) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(03) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990

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

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

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

accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan - END - 19-02 Rev A
- Block Plan - END - 19-01 Rev A

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

(06) No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

(07) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

(i) The routing to and from the site of construction vehicles, plant and deliveries.

(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;

(v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;

(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;

(vii) The arrangements for loading and unloading and the storage of plant and materials;

(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The construction of the development shall be completed in accordance with the approved plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(08) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(09) The car parking accommodation shall be completed in full accordance with the details hereby approved before the dwelling is occupied and thereafter retained solely for those purposes.

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF1, PCYFF2, PCYFF3, TRA2 and TAI4

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.

This page is intentionally left blank

Planning Committee: 24/07/2019

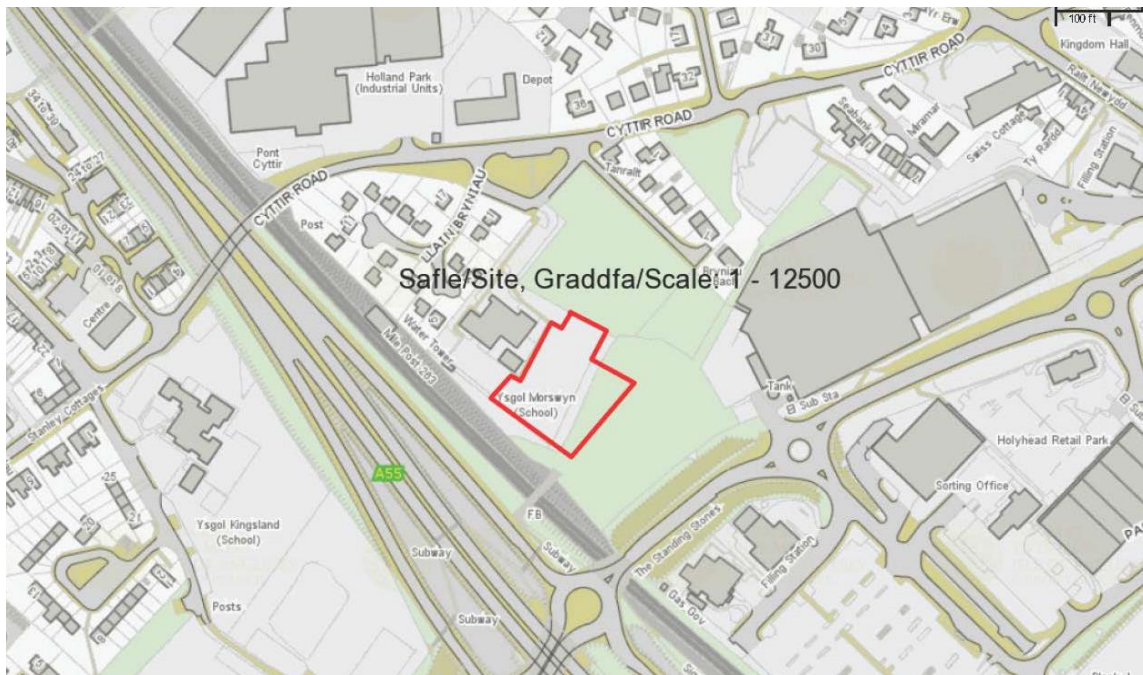
12.1

Application Reference: FPL/2019/162

Applicant: Priffyrdd, Gwastraff ac Eiddo / Highways, Waste & Property

Description: Cais llawn ar gyfer newid defnydd tir amaethyddol yn gae chwarae ar gyfer ysgol, codi ystafell ddosbarth symudol, codi ffensys a waliau terfyn ynghyd â gwaith tirlunio meddal a chaled yn / Full application for change of use of agricultural land into playing field for school, erection of mobile classroom, erection of fencing and boundary walls together with soft and hard landscaping at

Site Address: Ysgol Morswyn School, Ffordd Cyttir Road, Caergybi/Holyhead



Report of Head of Regulation and Economic Development Service (Gwen Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the land is owned by the Council.

Proposal and Site

The application is a full application for change of use of agricultural land into playing field for school, erection of mobile classroom, erection of fencing and boundary walls together with soft and hard landscaping at Ysgol Morswyn, Holyhead.

Key Issues

The key issue is whether the proposal fits in with surrounding area, the effect on ecology and whether the proposal has a negative impact upon immediate residential properties.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy ISA 2: Community Facilities
Policy TRA 4: Managing Transport Impacts

Response to Consultation and Publicity

Consultee	Response
Draenio Gwynedd / Gwynedd Drainage	Standard Comments
Swyddog Llwybrau / Footpaths Officer	Supportive
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Llywodraeth Cymru (Priffyrdd/Highways)	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Standard comments
Ymgynghorydd Tirwedd / Landscape Advisor	Conditional Approval
Network Rail	No response
Ymgynghorydd Treftadaeth / Heritage Advisor	No response
Cynghorydd Shaun James Redmond	No response
Cynghorydd Robert Llewelyn Jones	No response
Cynghorydd Glyn Haynes	No response

Site notices was placed near the site and neighbouring properties were notified in writing. The planning application was also advertised in the local newspaper as the development is near a public footpath. The expiry date for receiving representations was the 24/07/2019. At the time of writing the report no letters were received.

Relevant Planning History

19LPA959/CC - Full application for the siting of a mobile classroom at Ysgol Morswyn, Holyhead – 6/7/12
Granted

Main Planning Considerations

Policy Considerations

Policy PCYFF2 sets out the priority criteria, not covered elsewhere in the plan which new development will need to meet, in principle, in achieving sustainable and appropriately located development. The policy also states that proposals should not have an unacceptable impact on the amenities of adjacent occupiers. It is considered that the proposal is in a sustainable location and is appropriately located within the existing grounds of the primary school. Due to the location of the mobile classroom, and the distance

away from existing residential properties, it is not considered that the proposal will have a negative impact upon the amenities of adjacent residential properties.

Policy PCYFF3 states that proposals are expected to demonstrate high quality design and the built environment must be taken into consideration. It is considered that the proposal is high quality development and will not look out of place in the vicinity.

Policy PCYFF4 states that proposals should integrate into their surroundings and landscaping should be considered from the outset. It is considered that the proposal will integrate into the surroundings. An existing hedgerow will be lost as part of the proposal; however, a new 'clawdd' will be re-instated on the new extended boundary together with the planting of new soft landscaping within the school grounds.

Strategic Policy PS19: Conserving and Where Appropriate Enhancing the Natural Environment states that development must conserve and where appropriate enhance the distinctive natural environment. Policy AMG 5: Local Biodiversity Conservation also states that proposals must protect and where appropriate enhance biodiversity. Even though the proposal involves the removal of an existing 'clawdd' the proposal also involves re-instating the 'clawdd' on the new extended boundary, together with the planting of new soft landscaping on the existing playing field.

Policy ISA 2: Community Facilities states that support will be given for the provision of new or enhanced school facilities. The mobile classroom will be used incidental to the primary school Ysgol Morswyn.

Policy TRA4: Managing Transport Impacts states that proposals should not have an unacceptable impact on public rights of way. The proposal will re-align the existing public right of way around the extended application site; therefore, it is not considered that the proposal will have an unacceptable impact upon the right of way.

Mobile Classroom

The proposal consist of the erection of a mobile classroom on part of the existing playing field within the school grounds. The mobile classroom measures 21m long x 11m wide x 3m at its highest point. The materials of the mobile classroom consist of steel and timber vertical cladding with a duo pitch rubber membrane roof. The building will be used for nursery children and for an after school club.

A similar mobile classroom is located within the school grounds at present.

Extension to playing field

The proposal also involves changing the use of agricultural land nearby to be used as a playing field for the school. This will involve the removal of existing hedgerow and the re-locating the existing public footpath around the perimeter of the extended playing field. For security reasons, a 2 metre high fence will be erected on the perimeter of the site.

Ecology

An existing hedgerow will be removed in order to extend the existing playing field at Ysgol Morswyn. An ecology survey has been received for the hedge and tree removal and for the playing field extension. A new 'clawdd' would be placed along the new extended boundary and new soft landscaping is also proposed within the school playing field.

The Ecological and Environmental Advisor has suggested a condition is placed on the permission to ensure that the Mitigation Measures as stated in the Playing Field Extension Survey is followed in full.

Footpath

The existing public footpath will be diverted around the extended playing field. The Footpath Officer has confirmed that the diversion of the footpath is acceptable.

Landscaping Detail

In order to enhance integration of the proposal, a condition requiring a landscaping scheme to be agreed in writing prior to any works commencing on the application site and thereafter implemented as proposed.

Conclusion

The proposal is acceptable in policy terms, the extension will fit into the area without harming the amenities of nearby residential properties.

Recommendation

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF3, PCYFF4, PS19, ISA2 and TRA4

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

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

(02) The development shall take place in accordance with the Mitigation Measures in section 9.1 and 9.2 contained within the Cambrian Ecology Ltd Playing Field Extension Survey v3 dated 25th June, 2019 submitted under application reference FPL/2019/162.

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

(03) The development hereby permitted shall be carried out in strict conformity with the details received under application reference FPL/2019/162.

- Landscape General Arrangement –526-SO-00-00-DR-L-0001 PO.3
- Proposed and Existing Levels - 526-SO-00-00-DR-L-0002 – PO.3
- Fencing Design - 526-SO-00-00-DR-L-0003 – PO.3
- Hard Landscape Design - 526-SO-00-00-DR-L-0004 – PO.3
- Soft Landscape Design - 526-SO-00-00-DR-L-0005 PO.1
- Hard Landscape Detail - 526-SO-00-00-DR-L-0006
- Soft Landscape Detail - 526-SO-00-00-DR-L-0007
- Fencing Detail - 526-SO-00-00-DR-L-0008
- Proposed Drainage Arrangement - 0001 S0 P01.1
- Proposed Location and Block Plan – L02 Rev A
- Proposed Elevations – 190514A-ELT-00-00-DR-200 Rev A
- Proposed Floorplan – P01
- Playing Field Extension Survey V3 – Cambrian Ecology
- Hedge/Tree Removal Survey – Cambrian Ecology
- Landscape Features – 526-SO-00-00-DR-L-0009 PO.0

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.

Application Reference: FPL/2019/161

Applicant: Cyngor Sir Ynys Môn

Description: Cais llawn ar gyfer codi ystafell ddosbarth symudol yn / Full application for the erection of a mobile classroom at

Site Address: Ysgol Pencaernisiog, Pencarnisiog



Report of Head of Regulation and Economic Development Service (Owain Hughes)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the planning application is submitted by the Council on Council owned land.

Proposal and Site

The application is for the erection of a mobile classroom, erection of fencing and boundary walls together with soft and hard landscaping at Ysgol Pencarnisiog, Pencarnisiog.

Key Issues

The key issue is whether the proposal fits in with surrounding area, the effect on ecology and whether the proposal has a negative impact upon immediate residential properties.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy ISA 2: Community Facilities
Technical Advice Note 12: Design (2016)
Planning Policy Wales (Edition 10, December 2018)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
GCAG / GAPS	No comments
Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding	No response
Iechyd yr Amgylchedd / Environmental Health	No observation
Ymgynghorydd Tirwedd / Landscape Advisor	Comments
Dwr Cymru Welsh Water	Standard comments
Draenio Gwynedd / Gwynedd Drainage	Comments
Cyngor Cymuned Llanfaelog Community Council	No response
Cynghorydd Gwilym O Jones	No response
Cynghorydd Richard Dew	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response

Site notices was placed near the site and neighbouring properties were notified in writing. The planning application was also advertised in the local newspaper as the development is near a public footpath. The expiry date for receiving representations was the 17/07/2019. At the time of writing the report no letters were received.

Relevant Planning History

28C317 - Newid defnydd yr hen ffreutur i greu clwb plant a'r ol ysgol, ysgol feithrin a ystafell cyfrifiaduron ynghyd a addasu ac ehangu yn / Change of use of former school canteen to create an after school childrens club, nursery school and computer suite together with alterations and extensions at Ysgol Pencarnisiog, Pencarnisiog Canitatau / Approved 04/03/2004

28C317A - Cais i newid defnydd yr iard ysgol i lle parcio yn/Change of use from school yard to car park at Ysgol Pencarnisiog, Pencarnisiog Canitatau / Approved 10/02/2005

28LPA812/CC - Dymchwel neuadd fwyd, meithrinfa ac adeilad peiriannau presennol ynghyd a chodi neuadd/ystafell fwyta newydd gydag adnoddau pwrpasol ynghyd a chreu 5 man parcio car yn/Demolition of existing dining hall, nursery and plant building together with the erection of a new hall/dinning room and associated facilities together with the creation of 5no. car parking spaces at Ysgol Pencarnisiog, Pencarnisiog Dim Gwrthwynebiad 24/05/2002

Main Planning Considerations

Policy PCYFF2 sets out the priority criteria, not covered elsewhere in the plan which new development will need to meet, in principle, in achieving sustainable and appropriately located development. The policy also states that proposals should not have an unacceptable impact on the amenities of adjacent occupiers. It is considered that the proposal is in a sustainable location and is appropriately located within the existing grounds of the primary school. Due to the location of the mobile classroom, and the distance away from existing residential properties, it is not considered that the proposal will have a negative impact upon the amenities of adjacent residential properties.

Policy PCYFF3 states that proposals are expected to demonstrate high quality design and the built environment must be taken into consideration. It is considered that the proposal is high quality development and will not look out of place in the vicinity.

Policy PCYFF4 states that proposals should integrate into their surroundings and landscaping should be considered from the outset. It is considered that the proposal will integrate into the surroundings. Two trees will be lost as part of the proposal; however, four new trees will be planted in lieu.

Strategic Policy PS19: Conserving and Where Appropriate Enhancing the Natural Environment states that development must conserve and where appropriate enhance the distinctive natural environment. Policy AMG 5: Local Biodiversity Conservation also states that proposals must protect and where appropriate enhance biodiversity.

Policy ISA 2: Community Facilities states that support will be given for the provision of new or enhanced school facilities. The mobile classroom will be used incidental to the primary school Ysgol Pencarnisiog.

Mobile Classroom

The proposal consist of the erection of a mobile classroom on part of the existing school ground which is currently being used as an urban garden. The mobile classroom measures 21m long x 11m wide x 3m at its highest point. The materials of the mobile classroom consist of steel and timber vertical cladding with a duo pitch rubber membrane roof.

The purpose of the mobile classroom is for the use for Nursery children and after school club. The agent has confirmed that the opening hours will be from 7.50 a.m. for the breakfast club within the mobile classroom and until 18.00 p.m for the after school club.

To the rear of the new mobile classroom, two new soft play areas will be created. For security reason, a 2 metre high fence will be erected around the site.

The drainage is to be disposed via mains. Welsh Water raises no objection to the proposed development.

Conclusion

The proposed development is considered acceptable to the Local Planning Authority and is recommended for approval subject to conditions.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan - LO2 (Revision A)**
- **Proposed Floor Plan - P01**
- **Proposed Elevation Plan - 190514A-ELT-00-00-DR-2000**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 2, PCYFF 3, PCYFF 4, PS 19 and ISA 2

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.

Application Reference: FPL/2019/171

Applicant: Cyngor Sir Ynys Môn

Description: Cais llawn ar gyfer dymchwel y ffens presennol ynghyd a codi ffens newydd yn / Full application for the demolition of existing fence together with erection of new fence at

Site Address: Maes Awyr Môn / Anglesey Airport, Ffordd Minffordd Road, Caergeiliog



Report of Head of Regulation and Economic Development Service (Owain Hughes)

Recommendation: Permit

Reason for Reporting to Committee

The application is submitted by the Council.

Proposal and Site

The site is at Anglesey Airport. The development is for the erection of a 3.22 metre high security fence.

Key Issues

The key planning issues are whether the proposed development complies with the relevant planning policies and whether the proposed development may effect any neighbouring properties.

Policies

Joint Local Development Plan

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Richard Dew	No response to date
Cynghorydd Gwilym O Jones	No response to date
Cyngor Cymuned Llanfair yn Neubwll Community Council	No response to date
Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding	No objection
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response to date
Iechyd yr Amgylchedd / Environmental Health	No response to date

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 17/07/2019. At the time of writing this report, the department has not received any representations.

Relevant Planning History

32C149 - Codi terfynfa sifil yn/Erection of a civilian terminal at RAF Valley, Y Fali / Valley Canitatu / Approved 12/06/2006
 32LPA878/CC/AD - Codi arwydd wedi ei oleuo yn / Erection of an externally illuminated sign at Maes Awyr Môn / Anglesey Airport, RAF Valley, Y Fali / Valley Caniatau / Approved 09/05/2007
 FPL/2019/16 - Cais llawn ar gyfer dymchwel y ffens presennol ynghyd a codi ffens newydd yn / Full application for the demolition of existing fence together with erection of new fence at Maes Awyr Môn / Anglesey Airport, RAF Valley, Y Fali / Valley Tynnwyd yn ôl / Withdrawn 30/04/2019

Main Planning Considerations

The proposed development is for the removal of existing timber fencing and crash gate together with the erection of a 3.22 metre high security fence in lieu. The length of this new fence will run for 52 metres. The proposed scheme complies with the planning policies of PCYFF3 of the Joint Local Development Plan. PCYFF3 state that any proposed new development 'will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.'

It is not considered that the proposed fence would impact the surrounding amenities to such a degree to warrant a refusal. Majority of the site already has a 3.22 metre high fence. The removal of the existing low timber fence and crash gate and replacing with 3.22 metre high fence will improve the security to the Anglesey Airport and will also allow flights from the RAF to run with increased capacity. By erecting this fence, this will improve the level of security in order to comply with NASP (National Aviation Security Programme) and thus, allow the airport to increase the number of passengers per aircraft from 19 people to 29 people.

The proposed materials are also acceptable.

Due to minor nature of the proposed scheme, it is not considered that the proposed scheme would impact any neighbouring properties to such a degree to warrant a refusal. At the time of writing this report, no letters of representations have been received at this department.

Conclusion

The proposed scheme complies with the relevant planning policies and it is considered acceptable to the Local Planning Authority, subject to conditions.

Recommendation

(01) The development shall begin not later than five years from the date of this decision.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan - Airport/01**
- **Existing Site Plan - Airport/02**
- **Proposed Elevation Plan - Airport 05**
- **Proposed Fence Details - Airport 03**
- **Statement**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 3

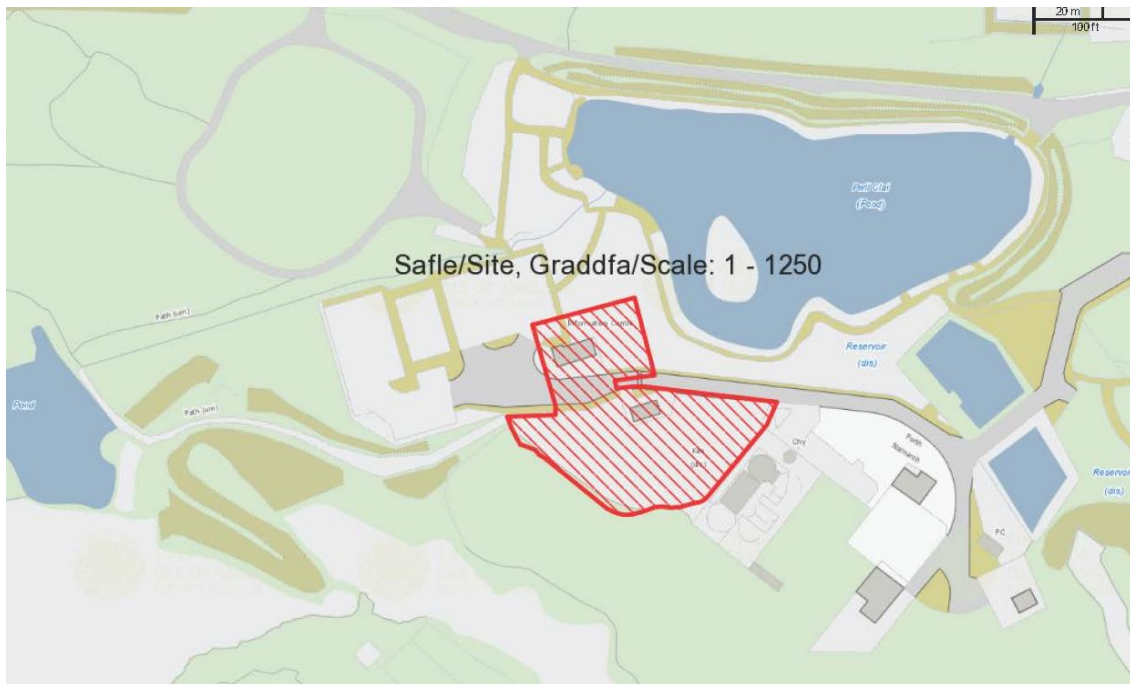
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2019/50

Applicant: Cyngor Sir Ynys Môn

Description: Cais llawn ar gyfer addasu ac ehangu ynghyd a creu lle chwarae treftadaeth a tirlunio cysylltiedig yn / Full application for alterations and extensions together with the creation of heritage play area and associated landscaping at

Site Address: Breakwater Country Park, Caergybi / Holyhead



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Permit

Reason for Reporting to Committee

The planning application is submitted on behalf of the Isle of Anglesey Council.

Proposal and Site

The application site is within the Breakwater Country Park which is managed by the Isle of Anglesey Council. The Breakwater Country Park is located within the Area of Outstanding Natural Beauty "AONB". The existing wardens building visitor information centre is single storey building with natural stone external walls and a natural slate roof. The area on which the natural play area is proposed comprises a grassed recreation area with some seating/tables present.

The planning application is made for alterations and extensions to the existing wardens building visitor information centre and the development of a natural play area. The submission explains that the natural play area is intended to be an active space to complement other facilities in the park.

Following concerns being expressed by NRW and the council's Ecological & Environmental Consultant further bat surveys were submitted (Amended Preliminary Ecological Appraisal, dated February 2019) and revised landscaping and biosecurity arrangements were submitted (Landscape General Arrangement Plan, 41465-LEA, Biosecurity Plan, dated May 2019 and Landscape Design Report).

Key Issues

- Principle of Development.
- Impact of the development on the Character and Appearance of the Area and the Area of Outstanding Natural Beauty.
- Impact on protected species and statutorily protected sites.

Policies

Joint Local Development Plan

Anglesey and Gwynedd Joint Local Development Plan (2017)

PS 1: Welsh Language and Culture

PS 4: Sustainable Transport, Development and Accessibility

TRA 2 Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PS 6: Alleviating and Adapting to the Effects of Climate Change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS 14: The Visitor Economy

TWR 1: Visitor Attractions and Facilities

PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

AMG1: Area of Outstanding Natural Beauty Management Plans

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

AMG 5: Local Biodiversity Conservation

Planning Policy Wales Edition 10 (2018) "PPW"

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) "TAN 5"

Technical Advice Note (TAN) 12: Design (2016) "TAN 12"

Technical advice note (TAN) 13: Tourism (1997) "TAN 13"

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

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017) "TAN 20"

Technical Advice Note (TAN) 23: Economic Development (2017) "TAN 23"

SPG Parking Standards, 2008.

SPG Design in the Urban and Rural Built Environment, 2008 "SPG Design Guide"

Response to Consultation and Publicity

Cynghorydd Glyn Haynes: Seems to be a very worthwhile investment upgrading the Breakwater park, one of Caergybi's and Ynys Mon's greatest attractions, naturally it has my fullest approval

Cynghorydd Robert Llewelyn Jones: Pleased to see an attractive design.

Cynghorydd Shaun James Redmond: No observations received at the time of writing.

Cyngor Tref Caergybi / Holyhead Town Council: Observations awaited at the time of writing.

Ymgynghorydd Tirwedd / Landscape Advisor: The site is not within the AONB and the proposal scale will not affect the setting of the AONB. The site for the play area is currently grassed and the proposal involves a number of less formal timber equipment and features and some planting in compliance with PCYFF 4: Design and landscaping.

Cyfoeth Naturiol Cymru / Natural Resources Wales: Initially indicated that there were significant concerns because of the effects of the proposed development on the Glannau Ynys Gybi / Holy Island Coast Special Area of Conservation / Special Protected Area (which are also Sites of Special Scientific Interest SSSI) given its proximity and further information was requested to undertake Habitat Regulation Assessment (HRA). The concerns were predicated on the fact that Monterey pine and whitebeam were proposed as part of the scheme which could spread to surrounding heathland. Clarification was also requested on the means of foul drainage and further survey work was requested to determine the presence of bats. Following the submission of the additional information described in the introduction of this report it was confirmed that NRW were satisfied and had no further comment.

Ymgynghorydd Treftadaeth / Heritage Advisor: Consider that the design, materials, scale, height and massing of the proposals do all appear to be most appropriate and fit for purpose.

Priffyrdd a Trafnidiaeth / Highways and Transportation: Observations awaited at the time of writing.

Ymgynghorydd Ecologol ac Amgylcheddol / Initially recommended that further surveys was required in relation to bats and clarification in relation to the presence of badgers. Following the submission of the additional information described in the introduction of this report it was confirmed that the proposal was considered acceptable and that these matters were resolved.

Adjacent properties have been notified in writing and the publicity period expired on the 05.04.19. No representations have been received following this publicity.

Relevant Planning History

19C792K/SCR - Screening Opinion application for change of use of part of the land into a touring car – EIA not required. 17.09.15.

19LPA875B/CC - Full application for change of use of part of the land into a touring caravan park (28 pitch) – Approved 02.12.15.

19C792D – Full application for the change of use of the existing wardens accommodation into a café with offices and storage above together with alterations and extensions – Approved 07.09.12.

19C792E – Prior notification for the removal of material from a mining working deposit – Permitted development 24.09.12.

19C792F – Full application for the replacement of three angling platforms with hard surface safe deck area together with alterations and extensions to three angling platforms – Approved 26.04.13.

19C792G – Full application for the erection of a bin store – Approved 22.05.14.

19LPA875/CC – Erection of 4 wooden sculptures and 1 bench – Approved 08.02.07.

19LPA875A/CC – Installation of solar panels on the roof – Approved 06.12.07.

Main Planning Considerations

Principle of Development Policy TWR 1 (Visitor Attractions and Facilities) permits extension and improvement to existing facilities subject to criterion which apply to developments outside the settlement boundary and further criterion applicable to all developments which relate to scale and design considerations, that the proposal is supported by evidence of local employment opportunities and that the proposal is accessible by sustainable forms of transport.

The proposal is located outside the settlement boundary of Holyhead. As indicated in the planning history section of the report above the principle of the use of the building as a tourist facility in connection with the Breakwater Country Park has been established such that it is evident that the extension and natural play area are associated with this existing use.

The proposal entails a small extension of a contemporary design with materials which are considered appropriate in the context, this view is supported by the comments of the council's Heritage Adviser.

It is explained in the supporting information with the planning application that the proposal will not provide additional employment except during the construction phase but that the proposals will support the existing warden roles at the Breakwater Country Park. Further the scheme forms part of a wider Holy Island Visitor Gateway Project investment of £1.7million into the area which will boost investment and job creation in the surrounding area.

In terms of sustainable travel the Breakwater Country Park is located on the edge of Holyhead and is within walking and cycling distance of the settlement to the east.

Impact of the development on the Character and Appearance of the Area and the Area of Outstanding Natural Beauty The application site is not within the AONB but the boundary of this designation is located substantially above the surrounding cliff faces to the west and the south of the Breakwater Country Park. The impact on the setting of this landscape designation is a material consideration and paragraph 5.3.5 of PPW explains that the primary objective of designating AONB's is the conservation and enhancement of their natural beauty. Development Management decisions affecting AONB's should favour conservation of natural beauty, although it will be appropriate to have regard to the economic and social well-being of the areas.

The council's Landscape Adviser confirms that the development is not within the AONB and the proposal scale and nature of the proposals will not affect the setting of the AONB and will therefore be in compliance with relevant policies.

The site for the play area is currently grassed and the proposal involves a number of less formal timber equipment and features and some planting in compliance with PCYFF 4: Design and landscaping. On this basis it is considered that the proposal will conserve the AONB. In terms of the AONB Management Plan impact of the proposal on the AONB has been assessed in accordance with the plan, in addition it is considered that the proposed indigenous landscaping in the active play area will result in an enhancement in views from the AONB as well as providing ecological enhancements and this aligns with policies in the AONB Management Plan.

The landscaping proposed in connection with the proposed development will have a positive effect on biodiversity and will accord with the council's duties under the Environment Act as described in the EEA comments.

Impact on protected species and statutorily protected ecological sites The application has been delayed whilst the applicant undertook further bat surveys at the appropriate time of the season which indicated that bats were not present in the building and on this basis NRW and the council's EEA are satisfied with the development subject to it being undertaken in accord with the submitted ecological

reports. As part of the proposals additional roosting features within the new extension will give a potential biodiversity gain for the small numbers of pipistrelle bat species recorded on the site.

Concerns were expressed by initially about the effect of the development on the Glannau Ynys Gybi / Holy Island Coast Special Area of Conservation / Special Protected Area (which are also Sites of Special Scientific Interest SSSI) but these issues have resolved by the removal of the tree species of concern from the landscaping scheme.

Conclusion

The principle of the development is clearly acceptable. The proposed development is in close proximity to the AONB and it is considered that the proposed development conserves and enhances this statutorily designated landscape subject to the planning conditions described. The initial concerns raised in relation to protected species and statutorily protected ecological sites have been fully resolved.

Recommendation

That the planning application is approved subject to the receipt of comments from outstanding consultees and subject to the following planning conditions:

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

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Location Plan 41465-LEA-04 Rev A

Existing Warden's Building 41465-LEA-02 Rev A

Proposed Plans for Warden's Building Refurbishment and Extension 41465-LEA-13 Rev B

Proposed Elevations for Warden's Building Refurbishment and Extension 41465-LEA-14 Rev B

Landscape General Arrangement Plan for the Proposed Wardens Building 41465-LEA-16 Rev A

Landscape General Arrangement Plan for the Proposed Natural Play Area 41465-LEA-15 Rev B

Proposed Site Plan for Warden's Building 41465-LEA17 Rev A

Proposed Drainage Plan 41465-LEA-18 Rev 18

Play Area Concept Design Development (June 2019) Wood

Breakwater Country Park Warden Centre (12th June 2019) Cambrian Ecology Ltd

Preliminary Ecological Appraisal (February 2019) Wood

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

(03) All construction and development in connection with the development hereby approved shall proceed strictly and entirely in accord with the Breakwater Country Park Warden Centre (12th June 2019) Cambrian Ecology Ltd and Preliminary Ecological Appraisal (February 2019) Wood.

Reason: To safeguard protected species and sites.

(04) The landscaping scheme as shown on drawing number 41465-LEA-15 Rev B shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.

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

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

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

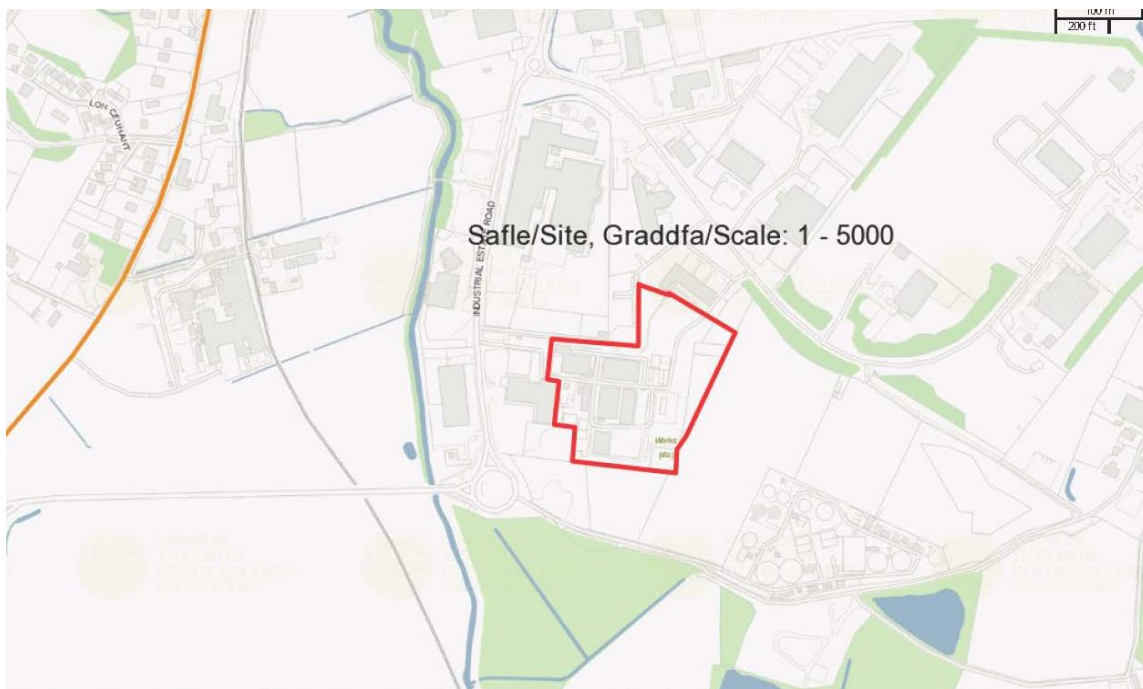
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: OP/2019/6

Applicant: Cyngor Sir Ynys Môn

Description: Cais amlinellol gyda'r holl faterion wedi eu cadw'n ôl ar gyfer dymchwel cyn weithle cemegol ynghyd a chodi 7 uned defnydd busnes (Dosbarth B1), defnydd diwydiannol cyffredinol (Dosbarth B2) a defnydd warws a dosbarthu (Dosbarth B8) yn yr hen safle / Outline application with all matters reserved for the demolition of the former chemical works together with the erection of 7 units for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) at the former

Site Address: Peboc, Llangefni



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application has been submitted by the Local Authority.

Proposal and Site

The outline application is submitted with all matters reserved for the demolition of the former chemical works together with the erection of 7 units for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) at the former Peboc, Llangefni.

The application site is a parcel of land situated within the settlement boundary of Llangefni and is safeguarded for employment uses within the Joint Local Development Plan (JLDP). The application site has an area of approximately 2.9 hectares. The site has predominantly large buildings associated with the former Pebec Chemical Works. Although the use as the site for chemical works has ceased, the site is currently used for the storage of vehicles by the adjacent car dealership and the use of some of the buildings for storage proposes on an ad-hoc basis. The site is currently accessible to the West from the Bryn Cefni highway or to the north from the Bryn Cefni Distribution Road.

Key Issues

Whether or not the proposal complies with local and national policies, whether the proposal will have an impact upon the neighbouring properties, amenity of the area, highway safety and nearby Ancient Monument.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
 Policy PCYFF 4: Design and Landscaping
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 1: Development Boundaries
 Policy PCYFF 6: Water Conservation
 Strategic Policy PS 5: Sustainable Development
 Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
 Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
 Strategic Policy PS 1: Welsh Language and Culture
 Strategic Policy PS 7: Renewable Energy Technology
 Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
 Strategic Policy PS 21: Waste Management
 Policy TRA 2: Parking Standards
 Policy TRA 4: Managing Transport Impacts
 Policy ISA 1: Infrastructure Provision
 Policy CYF 1: safeguarding, Allocating and Reserving Land and Uses for Employment Use
 Policy CYF 3: Ancillary uses on Employment Sites
 Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character
 Policy AMG 5: Local Biodiversity Conservation
 Policy AMG 6: Protecting Sites of Regional or Local Significance

Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	Conditional Approval
Cynghorydd Nicola Roberts	No Response
Cynghorydd Dylan Rees	No Response
Cynghorydd Bob Parry	No Response
Cyngor Tref Llangefni Town Council	Supportive of Application
Heddlu Gogledd Cymru	No Response

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Policy response is covered within the main core of the report
Ymgynghorydd Tirwedd / Landscape Advisor	No Objection to the proposed development.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditions Proposed with respect to protected species
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Due to the size and nature of the development a sustainable drainage submission is required prior to the commencement of the building work.
HSE - Hazardous Substances Consent	No Response
GCAG / GAPS	Conditional Approval
Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditions Proposed
Ymgynghorydd Treftadaeth / Heritage Advisor	No Objection
Iechyd yr Amgylchedd / Environmental Health	Conditions proposed with respect to contamination
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional proposed with respect to contamination
CADW Welsh Historic Monuments	Proposed development would not have a negative impact upon Scheduled Monuments.

The proposal has been afforded three means of publicity. These included the posting of notifications to adjacent properties, the erection of site notices and a notification within the local newspaper. The expiration of the publicly period was the 10th June, 2019.

At the time of writing this report no letters of representations have been received by department.

Relevant Planning History

34C40 - Erection of building for engineering chemical storage at Peboc Llangefni – Approved 20/02/1985

34C40A - Erection of a chemical drug store and the construction of an extension to car park at Peboc Industrial Est Llangefni - Approved 14/08/1986

34C40B - Extension of existing building to form a store at Peboc Ltd Industrial Est Llangefni – Approved 21/2/1991

34C40C - Erection of a drum store and associated landscaping at Peboc Ltd Llangefni – Approved 29/01/1993

34C40D - Alterations and extensions to existing buildings erection of new welfare and production buildings formation of car park and landscaping of the site at Peboc Ltd Ind Est Llangefni – Approved 22/02/1993

34C40E - Siting of temporary office building at Peboc Ind Est Llangefni – Approved 04/06/1993

34C40F - Erection of a maintenance building at Peboc Ind Est Llangefni – Approved 21/04/1997

34C40G - Alterations to one of the building on site at Peboc Ind Est Llangefni – Approved 11/07/1997

34C40H Change of use of land in order to expand the site's existing bulk storage tank form on land at Peboc/Eastman Chemical Ind Est Llangefni – Approved 04/11/1997

34C40J - Erection of research development offices together with general offices on plots 8-15 Bryn Cefni Llangefni – 05/08/1997

34C40K - Change of use of land to a hydrogen trailer park at Peboc Ind Est Llangefni – Approved 05/11/1997

34C40L - Erection of a new electricity substation together with transformer pen at Peboc Ind Est Llangefni – Approved 08/01/1998

34C40M - Erection of a drum storage building together with an extension onto the existing equipment storage building at Peboc Ind Est Llangefni – Approved 16/10/1998

34C40N - Refurbishment of the Quality Control Laboratory at Peboc Plant Ltd Ind Est Llangefni – Approved 02/03/1999

34C40P - Erection of a building for the storage and distillation of chlon at Peboc Ind Est Llangefni – Approved 16/11/1999

34C40Q - Application for deemed consent under the planning (hazardous Substances) Regulations 1992, as amended by the planning control of Major Accident Hazards regulations 1999 for the storage of chemicals at Peboc Ind Est Llangefni – Approved 05/09/2002

34C40R - Refurbishment of the administration building at Peboc Ind Est Llangefni – Approved 10/03/2000

34C40S - Change of use of existing contractors laydown area into a solvent emission reduction plant at Peboc Ind Est Llangefni – Approved 09/05/2000

34C40T - Erection of a drum storage building at Peboc Ind Est Llangefni – Approved 12/07/2000

34C40U - Retention of a water monitoring station at Peboc Ind Est Llangefni – Approved 13/03/2001

34C40W - Extension to existing 33,000 volt sub-station at Peboc Ind Est Llangefni – Approved 24/10/2002

34C40X/HZ - Hazardous Substance consent to increase the quantity of toxic 20 tonnes and add a further category C very Toxic 3 tonnes of hazardous substances granted deemed consent under ref 34C40Q at Peboc Ind Est Llangefni - Withdrawn – 04/09/2003

34C40Y/HZ - Hazardous Substance consent to increase the quantity of toxic 20 tonnes and add a further category C very Toxic 3 tonnes of hazardous substances granted deemed consent under ref 34C40Q at Peboc Ind Est Llangefni – Approved 09/12/2003

34C40A/1 - Erection of a smoking shelter at Peboc Ind Est Llangefni – Approved 19/04/2007

34C40Z/EIA/ECON - Erection of a new Biomass Energy Plant comprising of a wood pellet plant, a biomass combined heat power plant, debarking and chipping plant, wood storage yard and construction of a new vehicle access on land adjacent to Peboc Ind Est Llangefni – Refused 08/05/2012

34C40A/2/SCO - Scoping opinion for a Biomass Energy Plant at Peboc Ind Est Llangefni – Scoping Opinion 22/12/2009

34C40A/1 - Erection of a smoking shelter at Peboc Ind Est Llangefni Approved 19/04/2007

34C40C/1 - Change of use from B2 to car show room and workshop together with the erection of a building and the widening of existing vehicular access at Peboc Ind Est Llangefni Approved 31/07/2012

34LPA1045/ECON/CC - Outline application with all matters reserved for the demolition of the former chemical works together with the erection of 7 units for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) at the former at Peboc Ind Est Llangefni – Withdrawn 30/10/2018

34LPA1045A/SCR/CC - Screening opinion for demolition of the former chemical works together with the erection of 7 units for business use (Class B1), general industrial use (Class B2) and warehousing and distribution use (Class B8) at the former Peboc Ind Est Llangefni – EIA Not Required

Main Planning Considerations

The proposal entails the erection of units for a mixed use including business use general industrial, warehousing and distribution. An indicative site plan has been submitted demonstrating that the proposed units will be two storey and varying in size from a minimum of 560 square meters to a maximum 1024 square meters, potentially providing up to 5, 247 square meters of employment use floor space. The height for the proposed units are between 8 -11 meters. The indicative layout plan demonstrates that the units will be distributed across the site leaving ample space for landscaping and infrastructure provision.

The site is bounded to north by existing Bryn Cefni Business Park development which includes an electricity substation, a food production company, Anglesey Business Centre, and the currently disused former Eastman chemical works R&D building. To the west is a car dealership. The land to the south and east of the site is undeveloped land benefits from outline consent for employment use. Planning outline permission with all matters reserved (reference number 34LPA1034/CC/ECON) was granted for two plots for business use (Class B1) general industrial use (Class B2) and warehousing and distribution use (Class B8) as an extension to the existing business park. The land to the south form part of the Llangefni Link Road.

The proposed development makes provision for a new access road to the Link Road via the consented scheme to the east along with an access to the existing Distributor Road to the north. A pedestrian and cycle connection to the Industrial Estate Road is also proposed.

Policy Considerations

The application site is located within the identified settlement boundary of the town of as shown on the Joint Local Development Plan Proposals Plan. The site is safeguarded for employment uses.

The main relevant policy within the JLDP is Policy CYF1 which safeguards land and units for employment / business enterprises. Bryn Cefni Industrial Estate has been identified for B1, B2 and B8 uses. It is considered that the application accords with the general thrust of national and other local planning policies. The Policy Section have been consulted regarding the application and are support in principle to the application subject to material considerations such as impact upon neighbouring properties, highway matters, drainage, impact upon Ancient Monuments and contamination matters being resolved.

Welsh Language Statement:

Policy PS 5 states that all proposals should protect, support and promote the use of the Welsh language. Policy PS1 provides a framework to consider how proposed developments achieve this. The policy requires developers to submit a Welsh Language Statement with any proposed retail, industrial or commercial development covering an area of 1,000m.sq or more as the case with this application. In accordance with the requirements of the Policy the applicant has submitted a Welsh Language Statement as part of the application's Planning Statement.

In considering the scale of the proposed development and its location on an existing employment site, together with the relative size of Llangefni, it is considered that the risk of the development having a substantial negative impact on the character and linguistic balance of the community is low.

Flood Consequence Assessment:

The application site is located with Zone A of the Development Advice Maps. A Flood Consequence Assessment has been submitted as part of the application. The document investigates the potential risk of flooding from all sources of flood risk.

The proposed development area is located in an area at low risk of fluvial or tidal flooding. The proposed development is also at limited risk of surface water flooding, although careful proofing of the site, and construction of drainage systems will be required. The impact of the development on run off has been assessed, and recommendations provided for Sustainable Drainage Systems (SuDS) that will ensure that downstream flood risk is not increased and provided determent by managing runoff to greenfield rates.

Natural Resources for Wales have raised no objection and confirmed that the proposed development area is located within an area at low risk of fluvial or tidal flooding.

Contamination:

Since the application site has been previously used for chemical works, it is however considered that the use has a potential to have caused contamination of the soil and groundwater. As part of the application a report was submitted which identified contamination at the site, but owing to the presence of buildings and structures on the site a full site investigation was not completed. Natural Resources for Wales and the Environmental Health Section of the Authority have been consulted as part of the application and have recommend that further site investigation and risk assessment to inform on potential remediation options is completed once all the buildings and structures on site are removed. Planning conditions will be attached to any permission to this effect.

Effect upon nearby Schedule Monuments and Historic Park and Gardens:

Located within 3km of the application site are numerous scheduled monuments and a registered historic park and gardens at Plas Berw. Due to intervening topography buildings and vegetation the majority of the designed historic assets are not inter – visible with the proposed works.

Mature trees located on the western part of the application site provides sound screening from the existing Bryn Cefni Business Park, as when viewed form the existing Bryn Cefni Business Park. The indicative plan submitted part of the application includes a planting scheme which would assist to break up the massing of the development and consequently filter views and blend the development with existing tree cover, reducing the overall impact of the setting of the Schedule Ancient Monument.

The application site is located approximately 500m to the west of the Tre Garnedd Moated scheduled monument. CADW have been consulted regarding the proposal and have concluded that any impact from the proposed development to the setting of the scheduled monument will be very slight and not significant.

Gwynedd Archaeological Planning Service has also assessed the application and recommended that a condition is included as part of any planning approval requesting that specification for a programme of archaeological works is submitted and thereafter implemented.

Visual Amenity:

The application site is a brownfield site within the development boundary of Llangefni. It is considered the proposed upper and lower limits are acceptable and sympathetic with surrounding buildings, existing and

approved. There is also adequate space to accommodate appropriate levels of landscaping in an effort to mitigate the development.

Given the site location with a backdrop of an industrial landscape, it is not considered that there will be harm to the visual appearance of the location and the proposal respects the main thrust of policies AMG3 and PCYFF4 of the JLDP.

Effect upon the amenities of neighbouring properties:

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to criteria 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupier of local residence or other land and property users.

The application site is not located within a residential area of Llangefni. Given the nature of the proposal in relation to other land and property uses and distance to nearby residential properties, it is not considered the proposed development would have a detrimental effect upon the amenities of the properties.

Local Highway Authority:

A Transport Statement has been submitted as part of the application. The Local Highway Authority have assessed the proposal and are satisfied with the proposal subject to conditions.

Ecology:

A protected species survey report has been undertaken as part of the application which has been assessed by Natural Resources for Wales together with the Authority ecologist. Both specialist consultees are satisfied with the proposed development subject to conditions.

Conclusion

Consideration of the relevant policy framework and the principle of the development aligns with the Joint Local Development Plan.

The proposal are acceptable in technical terms and there will be no harm to the amenities of the locality nor the nearby Scheduled Monuments. Conditions will be attached to the permission which will include measures to control contamination, highway matters, ecology, landscaping, archaeology and drainage.

Recommendation

(01) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is for outline planning permission.

(02) Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(03) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To prevent the accumulation of planning permission: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990

(04) The land hereby approved shall be used for the purposes identified in use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Orders 1987.

Reason: To define the scope of this permission.

(05) No development (including trial pitting, topsoil strip or other groundworks) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.

b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2018 and TAN24: The Historic Environment.

2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

(06) No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

(07) Before the use hereby approved is commenced a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The components of the scheme shall include:

1. A preliminary risk assessment which has identified;

a. all previous uses;

b. potential contaminants associated with those uses;

c. a conceptual model of the site indicating sources, pathways and receptors;

d. potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be carried out and implemented in accordance with the approved detail.

Reason: To prevent pollution to the water environment.

(08) Prior to the use hereby approved being commenced reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to and approved by the Local Planning Authority. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To prevent pollution to the water environment.

(09) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution to the water environment.

(10) Full details of all external lighting proposed to be used on the development shall be submitted to an approved in writing by the Local Planning Authority before any external lighting is installed. Such details shall include the following:

- **That all lights shall be directed onto the application site only and not onto any surrounding land or properties.**
- **Low-impact, wildlife-friendly lighting, with full details of all lights including luminaire, lamp, beam widths and any anti-glare hoods to be used.**
- **Avoidance of wildlife mitigation features such as bat boxes**

No external lighting other than that approved under this condition shall be used on the development. The external lighting approved shall be installed in strict accordance with the details approved in writing by the Local Planning Authority.

Reason: To avoid / minimise wildlife impacts.

(11) The site shall be landscaped and native trees and shrubs shall be planted in accordance with a scheme to be agreed in writing with the Local Planning Authority before any development commences. The planting and landscaping works shall be carried out in full to the satisfaction of the Local Planning Authority during the first planting season following the occupation of the building(s) or the completion of the development, whichever is sooner. The said trees and shrubs shall be retained for the lifetime of the development. Any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: In the interest of ecology.

(12) No development shall commence until a scheme for demolition mitigation against Nesting Bird has been submitted and approved in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: In the interest of ecology

(13) Demolition works shall only take place between 31st October and 28th February unless the Local Planning Authority receives written confirmation from a qualified ecologist beforehand which confirms that specific building(s) can be demolished. The identified building(s) subject to demolition shall be approved in writing by the Local Planning Authority prior to the commencement of such demolition works. Only the identified building shall thereafter be demolished in accordance with the approved detail.

Reason: In the interest of ecology

(14) No development shall commence until a site-wide Construction Environmental Management Plan (including a Construction Travel Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:

- Protective measures to trees and shrubs
- Signage for the construction traffic, pedestrians and other users of the site,
- Controls on the arrival and departure times for the construction vehicles;
- Piling methods (if employed)
- Earthworks
- Hoardings to the site,
- Hours of working,
- Details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated
- Waste management and disposal and material re use,
- Prevention of mud / debris being deposited on public highway;
- Protection of the amenities of nearby residential occupiers
- Materials storage; and hazardous material storage and removal.
- A system for the management of complaints from local residents
- Emergency Containment Procedures
- Site lighting (if any) during works
- Pre-demolition check for badgers

Reason: To ensure the construction environment is not harmful to the amenities or wildlife of the locality.

(15) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include:

- (i) The routing to and from the site of construction vehicles, plant and deliveries.
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;
- (vii) The arrangements for loading and unloading and the storage of plant and materials;
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;

The construction of the Development shall be completed in accordance with the approved Plan.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

(16) The development hereby approved shall not be brought into operation until there has been submitted to and approved in writing by the Local Planning Authority, an Operational Phase Traffic Management Plan (OTMP). The OTMP shall include; , an Operational Phase Traffic Management Plan (OTMP). The OTMP shall include;

- (i) The routing to and from the site of service and operational vehicles, plant and deliveries, including Traffic Management Measures necessary to facilitate safe operation, including any subsequent demolition or decommissioning of the development**
- (ii) The type size and weight of service and delivery vehicles to be used in connection with the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of service and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and access routes to the site including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The operation of the Development shall be carried out in accordance with the approved Plan.

Reason: To ensure reasonable and proper control is exercised over traffic associated with the operation of the development in the interests of highway safety.

(17) Before any development commences, full details of the following Reserved Matters shall be submitted and approved in writing by the Local Planning Authority:

- i) The proposed layout and typical construction details based on ground investigation information to verify its adequacy.**
- ii) Longitudinal and cross section through the roads illustrating the proposed road levels relative to the existing ground levels and proposed buildings' finished floor levels.**
- iii) The surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall**
- iv) The location and the type of street lighting furniture**
- v) Pedestrian and cycle routes**
- vi) The extent and location of provision for refuse collection and recycling facilities**
- vii) Bicycle and storage area including rack specification and design**
- viii) the extent and position of vehicle turning facilities**
- ix) the extent and position of accommodation for loading and unloading**
- x) the extent and position of accommodation for car parking**
- xi) the means of access to the site**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highways and other development.

(18) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Location Plan - 39765-Shr19a.dwg.parkj**
- Protected Species Survey Report - Alison Johnston**
- Transport Statement**
- Flood Consequence Assessment - Amec Foster Wheeler**

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

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.

This page is intentionally left blank

Report to: PLANNING AND ORDERS COMMITTEE

Date: 24th July 2019

Subject: CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL
TRAFFIC REGULATION ORDER

Portfolio Holder: COUNCILLOR BOB PARRY

Lead Officer: HUW PERCY

Contact Officer: ALUN ROBERTS

Nature and reasoning for report:

To report details of the objection received following advertising of a proposed Traffic Regulation Order for Amlwch.

To provide a resolution regarding how the Authority should proceed with the Traffic Regulation Order in view of the objection received.

A. INTRODUCTION / BACKGROUND / ISSUES

1.0 The Traffic Regulation Order was proposed in response to comments received by the Highways Authority regarding obstructive parking, traffic congestion and road safety issues in Amlwch.

Various streets in Amlwch were included in the proposed Order and are summarised as follows –

- **Pen y Cefn to Brwynog**
Proposed provision of double yellow lines to facilitate the free flow of traffic and in response to concerns of parking on the brow of a hill and in its vicinity.
- **Lôn Goch**
Proposed introduction of double yellow lines to facilitate deliveries by HGVs to the Spar store.
- **Salem Street**
In response to concerns regarding obstructive parking on the corner and safety implications, amend an existing single yellow line outside the dental surgery to double to include a no loading/unloading restriction.
Change an existing single yellow line to double yellow lines from the railway crossing to around the back of the Kings Arms to facilitate the free flow of traffic down the street.
- **Tan y Bryn Road**
In response to concerns regarding parking on a bend and obstruction to the use of the pavement, introduce lengths of double yellow lines on both sides along a section of this road.

A copy of the Notice of Proposal and plans detailing the proposed restrictions are attached in Appendix 1.

- 1.1 In the initial consultation stage no objections were received to the proposed Order.
- 1.2 The Emergency Services did not object to the proposal.
- 1.3 At the formal advertising stage one objection was received to the proposed Order. A redacted copy of the written objection is attached with this report. The objection was broadly based on the following grounds –
 - a) That the proposed introduction of double yellow lines would have a detrimental effect on two companies trading from a single property on Tan y Bryn Road owned by the objector. It was commented that although the business operator attempted to ensure that all vehicles were parked within the curtilage of the property, there were occasions when vehicles were parked on the carriageway opposite.

2.0 Current Situation

- 2.1 The objector detailed in 1.3 is not satisfied that the provisions within the Order are acceptable.
- 2.2 Only one objection was received to the Order which related to the proposed introduction of double yellow lines along a section of Tan y Bryn Road.

Concerns had previously been raised with the County Council regarding parking on a section of Tan y Bryn Road. It was reported that use of the pavement was impeded by parked vehicles, be they entirely or partially located on the pavement. In addition, the number and length of vehicles parked in a row on a section of the road which is also on a bend caused traffic flow and road safety concerns.

- 2.4 The following Statutory Consultees were contacted –
 - a) North Wales Police
 - b) North Wales Fire and Rescue Service
 - c) Ambulance Service
 - d) The Road Haulage Association
 - e) The Freight Transport Association
 - f) Local Elected Members
 - g) Amlwch Town Council

- 2.5 As part of the process of considering the objection received, the Authority reviewed the proposal for Tan y Bryn Road.

The purpose of introducing a double yellow line restriction on this section of Tan y Bryn Road was to address pedestrian and road safety concerns in respect of

obstructive pavement parking. In addition, the restriction in preventing parking on the carriageway would facilitate the movement of traffic and address safety issues associated with parking on a bend in the road.

In his submission, the objector acknowledges that vehicles in connection with his business do park on the carriageway when there is insufficient space within the curtilage of the property.

Taking into account the objector's comments the Authority has considered amendments to the proposed extent of the yellow lines along Tan y Bryn Road. However in addressing the concerns raised by the local community then the Highway Authority is of the opinion that the only resolution is the introduction of double yellow lines as detailed in the proposed Order and as shown on the submitted plan.

The proposed restriction must also be considered in the context of the primary purpose and function of a public highway being to provide a safe and convenient passage for all users from motor vehicles to pedestrians. In the context of Tan y Bryn Road, its use as the provision of a convenient parking area associated with a business establishment is not consistent with this purpose.

B. CONSIDERATIONS

- 3.0 The proposed Order was considered to be essential in the interest of road safety and to facilitate the safe and free flowing movement of traffic and pedestrians.
- 3.1 It will be for the Committee to determine if they feel that the objection received is justified or not.

C. IMPLICATIONS AND IMPACTS

- 4.0 The proposed order will amend and create additional parking restrictions in numerous locations in Amlwch. With consideration to the objection received to the proposed installation of double yellow lines along a section of Tan y Bryn Road, the potential effect of loss of parking on the adjacent business operator should be balanced against the creation of a safer and a freer flowing route for both vehicular traffic and pedestrians.

D. RECOMMENDATION

- 5.0 That the Committee approves the proposal in accordance with the advertised Order and plans if it is satisfied that there is no alternative solution to the traffic flow and obstructed pavement issues and resolves for the Authority to proceed and confirm the Traffic Regulation Order and Plan.

Name of report author: Alun Roberts

Job Title: Senior Engineer Traffic and Parking

Date: 17 June 2019

Appendices

1. Notice of Proposal as advertised and plan.
2. Copies of objection received at the advertising stage.
3. Photograph received by the Authority showing the parking issue along Tan y Bryn Road.

Appendix 1

Notice of Proposal as advertised and plan

RHYBUDD O FWRIAD

GORCHYMYN CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL (AMRYW LEOLIADAU AMLWCH) (GWAHARDDIAD AROS, GWAHARDDIAD LLWYTHO/DADLWYTHO A DIM CYFYNGIAD AR BARCIO) 2018

RHODDIR RHYBUDD TRWY HYN fod Cyngor Sir Ynys Môn/Isle of Anglesey County Council yn bwriadu gwneud Gorchymyn o dan Adran 1, 2, 4, 35 a 124 (1) (d) a rhan iv atodlen 9 o Ddeddf Rheoli Trafnidiaeth Ffyrdd 1984.

Pan ddaw'r Gorchymyn i rym ei effaith fydd darparu:

1. Gwaharddiad Aros fel y cyfeirir atynt yn Atodlen 1 yma.
2. Gwaharddiad Llwytho a Dadlwytho fel y cyfeirir atynt yn Atodlen 2 yma.
3. Dim cyfyngiad ar Barcio fel y cyfeirir ato yn Atodlen 3 yma.

Mae'r Gorchymyn drafft, sydd ynghyd â chynllun yn dangos y ffordd yr effeithir arni a Datganiad o resymau'r Cyngor dros argymhell gwneud y Gorchymyn, ar gael i'w harchwilio gan y cyhoedd yn :-

- (a) Swyddfeydd y Cyngor, Llangedfni, rhwng 9.30 a.m. a 4.00 p.m. Llun i Gwener;
- (b) Y Llyfrgell, Amlwch yn ystod oriau gwaith arferol.

Os dymunwch wrthwynebu'r Gorchymyn arfaethedig anfonwch eich gwrthwynebiad mewn ysgrifen gan gynnwys eich rhesymau dros wneud hynny i'r isod erbyn 14eg Medi, 2018.

Bydd y rhain ar gael i'w harchwilio gan y cyhoedd.

Atodlen 1

DIM AROS AR UNRHYW ADEG

Ffordd ddiennw o'r A5025 Cylchfan Grogan i Lôn Goch, Amlwch

Ochr Orllewinol

O'r gyffordd ogleddol â Penycefn i'r gyffordd â Lôn Goch, Amlwch.

Ochr Ddwyreiniol

O'r gyffordd â Awelfryn i'r gyffordd â Madyn Dysw

Ffordd Tanybryn

Ochr Ogleddol

O bwynt 40 metr i'r gorllewin o gyffordd ogleddol Maesllwyn am bellter o 118 metr i gyfeiriad de-ddwyreiniol.

Ochr Ddeheuol

O'r gyffordd ogleddol â ffordd ystâd Maesllwyn am bellter o 140 metr i gyfeiriad de-ddwyreiniol.

Stryd Salem

Ochr Orllewinol

O bwynt 86 metr i'r gogledd o'r gyffordd â Maes Salem i'r gyffordd â'r Ffordd Gyswilt ddiennw o Stryd Salem i'r A5025.

Lôn Goch

Ochr Ogleddol

O bwynt 54 metr i'r dwyrain gogledd ddwyrain o'r gyffordd â Stryd y Frenhines am bellter o 3 metr i gyfeiriad y dwyrain gogledd ddwyrain.

Ochr Ddeheuol

O bwynt 42 metr i'r dwyrain gogledd-ddwyrain o'r gyffordd â Stryd y Frenhines am bellter o 13 metr i gyfeiriad y dwyrain.

Ffordd Gyswilt Ddiennw o Stryd Salem i'r A5025

Ochr Ddeheuol

O bwynt 41 metr i'r gogledd ddwyrain o'r gyffordd â'r A5025 am bellter o 53 metr i gyfeiriad dwyreiniol.

NOTICE OF PROPOSAL

CYNGOR SIR YNYS MÔN/ISLE OF ANGLESEY COUNTY COUNCIL (VARIOUS LOCATIONS AMLWCH) (PROHIBITION OF WAITING, PROHIBITION OF LOADING/UNLOADING AND DERESTRICTED PARKING) ORDER 2018

NOTICE IS HEREBY GIVEN that Cyngor Sir Ynys Môn/Isle of Anglesey County Council proposes to make an Order under Sections 1, 2, 4, 35 and 124 (1) (d) and part iv of Schedule 9 of the Road Traffic Regulation Act 1984.

The effect of the Order will provide for the:

1. Prohibition of Waiting as referred to in Schedule 1 hereto.
2. Prohibition of Loading and Unloading as referred to in Schedule 2 hereto.
3. Derestricted Parking as referred to in Schedule 3 hereto.

The draft Order together with a map showing the length of road concerned and a Statement of the Council's reasons for proposing to make the Order may be examined at :-

- (a) The Council Offices, Llangedfni, between the hours of 9.30 a.m. and 4.00 p.m. Monday to Friday.
- (b) The Library, Amlwch during normal business hours.

If you wish to object to the proposed Order you should send your objection in writing specifying the ground thereof to the undersigned at the address specified by the 14th September, 2018.

These will be available for public inspection.

Schedule 1

NO WAITING AT ANY TIME

Un-named road from A5025 Grogan Roundabout to Lôn Goch, Amlwch

West Side

From the northern junction with Penycefn to the junction with Lôn Goch, Amlwch.

East Side

From the junction with Awelfryn to the junction with Madyn Dysw.

Tanybryn Road

North Side

From a point 40 metres west of Maesllwyn's northern junction for a distance of 118 metres in a south south easterly direction.

South Side

From the northern junction with Maesllwyn estate road for a distance of 140 metres in a south south easterly direction.

Salem Street

West Side

From a point 86 metres north of the junction with Maes Salem to the junction with the unnamed Link Road from Salem Street to the A5025.

Lôn Goch

North Side

From a point 54 metres east north east of the junction with Queens Street for a distance of 3 metres in an east north easterly direction.

South Side

From a point 42 metres east north east of the junction with Queens Street for a distance of 13 metres in an easterly direction.

Unnamed Link Road from Salem Street to the A5025

South Side

From a point 41 metres north east of the junction with the A5025 for a distance of 53 metres in an easterly direction.

Atodlen 2

DIM AROS AR UNRHYW ADEG DIM LLWYTHO/DADLWYTHO

Stryd Salem

Ochr Orllewino

O'r gyffordd â'r Ffordd Gyswilt ddiennw o Stryd Salem i'r A5025 am bellter o 8 metr i gyfeiriad gogledd-orllewin.

Ffordd Gyswilt Ddiennw o Stryd Salem i'r A5025

Ochr Ogleddo

O bwyt 53 metr i'r gogledd ddwyrain o'r gyffordd â'r A5025 am bellter o 41 metr i gyfeiriad y gogledd ddwyrain.

Atodlen 3

DIM CYFYNGIAD AR BARCIO

B5111 – Stryd Mona

O bwyt 14 metr i'r dwyrain gogledd-ddwyrain o'r gyffordd â Bro Trehinon am bellter o 67 metr i gyfeiriad y dwyrain gogledd ddwyrain.

Schedule 2

NO WAITING AT ANY TIME NO LOADING/UNLOADING

Salem Street

West Side

From the junction with the unnamed Link Road from Salem Street to the A5025 for a distance of 8 metres in a north westerly direction.

Unnamed Link Road from Salem Street to the A5025

North Side

From a point 53 metres north east of the junction with the A5025 for a distance of 41 metres in a north easterly direction.

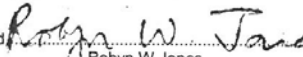
Schedule 3

DERESTRICTED PARKING

B5111 – Mona Street

From a point 14 metres east north east of the junction with Bro Trehinon for a distance of 67 metres in an east north east direction.

Dyddiedig 23/08/2018 Dated

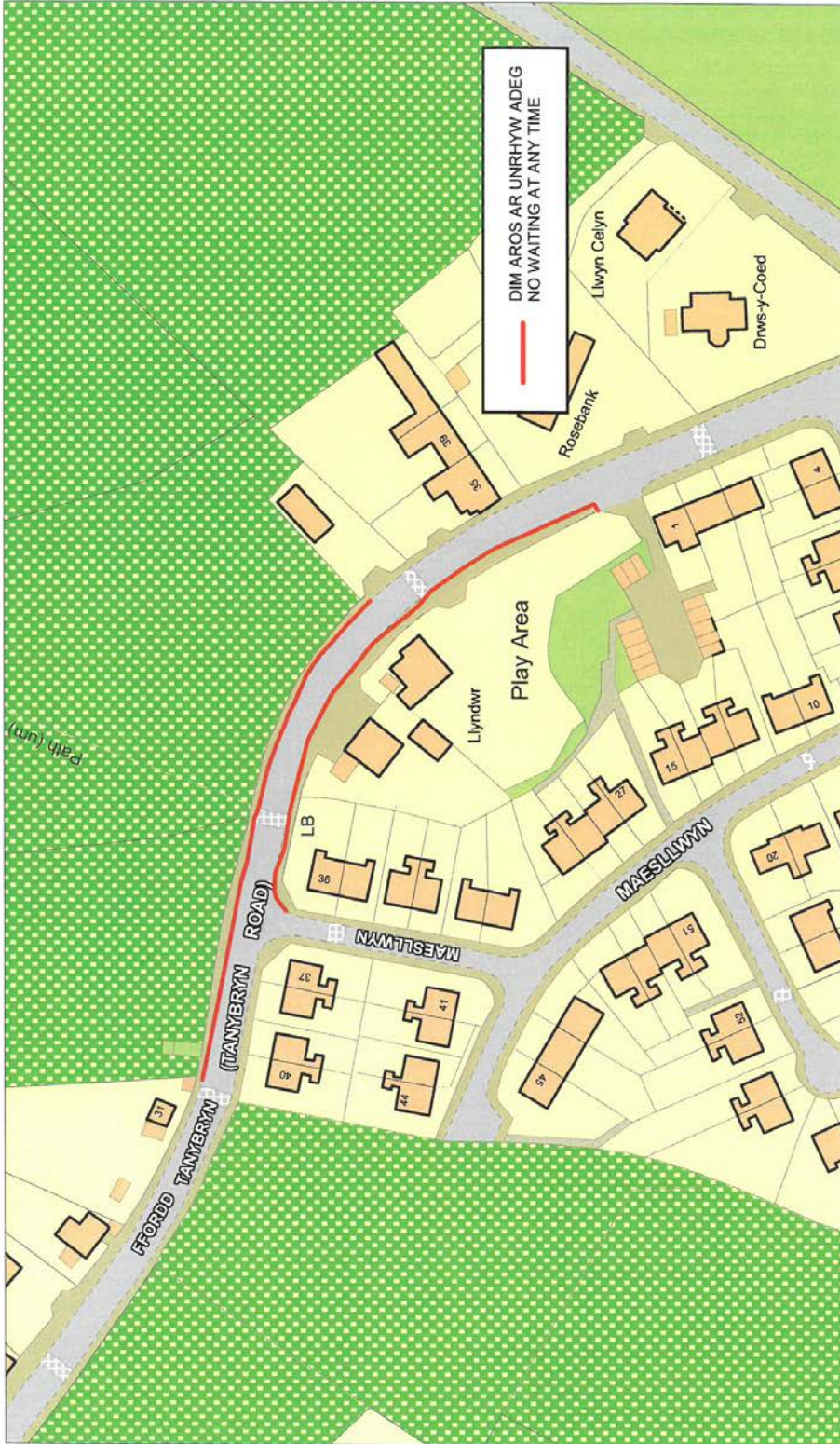
Anwyddwyd  Signed
Robyn W Jones
Rheolwr Gwasanaethau Cyfreithiol / Legal Services Manager
Swyddfeydd y Cyngor / Council Offices
Llangefni, Ynys Môn LL77 7TW

Am fwy o fanylion ynglŷn â'r uchod ffoniwch Adran y Rheolwr Gyfarwyddwr, Adain Gyfreithiol, Llangefni, 752591, rhif cyf HT-021069-SMJ

For further information regarding the above, please telephone the Managing Director's Department, Legal Section, Llangefni 752591 ref . HT-021069-SMJ

Croeso i chi ddelio gyda'r Cyngor yn Gymraeg neu'n Saesneg. Cewch yr un safon o wasanaeth yn y ddwy iaith.

You are welcome to deal with the Council in Welsh or English. You will receive the same standard of service in both languages.



GORCHYMYN TRAFFIC ARFAETHEDIG/
 PROPOSED TRAFFIC ORDER
 FFORDD TANYBRYN / TANYBRYN ROAD, AMLWCH

CYNGOR SIR YNYS MńN
 ISLE OF ANGLESEY COUNTY COUNCIL
 Swyddfa'r Sir
 LLANGEFNI
 Ynys Môn - Anglesey
 LL77 7TW



Appendix 2

Copy of the objection received at the advertising stage

Planning Department
Isle of Anglesey County Council
Llangefni
Anglesey
LL77 7DW

31ST August 2018

For the attention of Mr. Robin W Jones

Dear Sir

PLANNING APPLICATION NO SMJ/SMJ/HT-021069-SMJ
Proposed installation of double yellow lines

I write in connection with the above planning application. I **OBJECT STRONGLY** to the development of these plans.

EFFECT OF PARKING, TRAFFIC AND ROAD SAFETY – My objections are as follows:

We have two companies trading from [REDACTED] Lon Tan Y Bryn, Amlwch, Anglesey [REDACTED]. We have limited parking spaces for our employees and work vehicles, we use the driveway as much as possible, however, in our risk assessments we recommend to employees, visitors and especially vehicles with trailers to park adjacent to our property so passing vehicles have a clear and safe view of any oncoming traffic. As you will be aware there is a [REDACTED] where our property is situated therefor leaving it safer at certain times during the day to park across the road from our property.

In the past we have had a couple of near misses with the children from the local school, they have walked in front or from behind the vehicles when moving with no regard for their own safety. We, therefore, implemented the parking adjacent to our property in the interest of safety.

We do generally reverse onto the driveway, however, where it is required to park vehicles nose forward we have also implemented a banks man to reverse vehicles off the driveway particularly at high-risk times of the day again in the interests of safety.

We have a mobile mechanic who visits to assist me in the repair and service our vehicles as they are motorway vehicles covering high mileage and need to be kept in superior condition (any inspection welcome)

Therefore we park all of our vehicles adjacent to our property, again for safety reasons. If we were unable to service our vehicles at our property and due to the volume of vehicle services this would have a huge impact on our business, cost related, I, therefore, fear that this would also have a detrimental effect on our employees.

Putting it bluntly this could put us out of business.

We do use the roadside to park and parking restrictions would be a safety concern. I would like to point out that we believe we manage the parking as best as reasonably possible ensuring that vehicles are parked on the driveway when at all possible and are not adverse to double yellow lines, but for safety concerns and the detrimental effect this could have on my business restrictions would create risk where it has been assessed and reduced.

As you can see prior to this planning notice we have made every effort to ensure the safety of the public our children and our employees by managing the safety of the road outside our property.

These are just a few of the issues we are mitigating and have more to discuss with your planning officer.

To enable you to make a more informed decision we, therefore, request that your Highways Planning Officer visit our property to view our risk assessments and discuss this matter further. We will make ourselves available at your convenience.

I anticipate an immediate reply.

Yours Sincerely,

██████████
██████████
██████████

Appendix 3

Photograph provided to the Authority showing the parking issue along Tan y Bryn Road.

