

Public Document Pack



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

Mrs Annwen Morgan
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, 3 TACHWEDD, 2021 am 1.00 o'r gloch yp	WEDNESDAY, 3 NOVEMBER 2021 at 1.00 pm
CYFARFOD RHITHIOL WEDI'I FFRYDIO'N FYW	VIRTUAL LIVE STREAMED MEETING
Swyddog Pwyllgor	Ann Holmes 01248 752518 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
Dafydd Roberts
Nicola Roberts (Cadeirydd/Chair)
Ieuan Williams
Robin Williams

Please note that meetings of the Committee are streamed 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 live stream will be retained in accordance with the Authority's published policy

A g e n d a

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.

MEMBERS OF THE COMMITTEE

Councillors:-

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

INDEX the link to the Public Register is given for each individual application as shown

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 OF THE PREVIOUS MEETING_(Pages 1 - 14)

To submit, for confirmation, the minutes of the previous meeting of the Planning and Orders Committee held on 6 October, 2021.

4 SITE VISITS_(Pages 15 - 16)

To present the minutes of the planning site visits held virtually on 20 October, 2021.

5 PUBLIC SPEAKING

Please note that meetings of the Committee are streamed 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 live stream will be retained in accordance with the Authority's published policy

6 APPLICATIONS THAT WILL BE DEFERRED

None to be considered by this meeting.

7 APPLICATIONS ARISING_ (Pages 17 - 28)

7.1 - FPL/2021/145 – Rhosydd, Brynteg

https://ioacc.force.com/s/papplication/a1G4H00000OKjboUAD/fpl2021145?language=en_GB

7.2 – FPL/2021/106 – Neuadd, Cemaes

https://ioacc.force.com/s/papplication/a1G4H00000OKHJzUAP/fpl2021106?language=en_GB

7.3 – FPL/2021/108 - Fedw Uchaf, Brynrefail, Dulas

https://ioacc.force.com/s/papplication/a1G4H00000OKKitUAH/fpl2021108?language=en_GB

8 ECONOMIC APPLICATIONS

None to be considered by this meeting.

9 AFFORDABLE HOUSING APPLICATIONS

None to be considered by this meeting.

10 DEPARTURE APPLICATIONS_ (Pages 29 - 34)

10.1 – VAR/2021/70 – Plot adjacent to Bron Wylfa, Cemaes

https://ioacc.force.com/s/papplication/a1G4H00000O3eFYUAZ/var202170?language=en_GB

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS_ (Pages 35 - 42)

11.1 – HHP/2021/315 – 37 Penlon, Menai Bridge

https://ioacc.force.com/s/papplication/a1G4H00000O3mZiUAJ/hhp2021315?language=en_GB

11.2 – FPL/2021/227 – Plas Newydd, Llanddeusant

https://ioacc.force.com/s/papplication/a1G4H00000O2uqhUAB/fpl2021227?language=en_GB

12 REMAINDER OF APPLICATIONS_ (Pages 43 - 56)

12.1 – MAO/2021/26 – Porth Wen Solar Farm, Cemaes

https://ioacc.force.com/s/papplication/a1G4H00000O3fgIUAR/mao202126?language=en_GB

13 OTHER MATTERS_ (Pages 57 - 60)

13.1 – FPL/2020/191 – Rallt Gwta, Newborough

https://ioacc.force.com/s/papplication/a1G4H00000Mj6qgUAB/fpl2020191?language=en_GB

This page is intentionally left blank

Planning and Orders Committee

Minutes of the virtual meeting held on 6 October 2021

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, T LI Hughes MBE, K P Hughes, Vaughan Hughes, Eric Wyn Jones, Dafydd Roberts, Ieuan Williams and Robin Williams.
- Councillor R A Dew – Portfolio Holder - Planning
- IN ATTENDANCE:** Chief Planning Officer (DFJ),
Planning Enforcement Manager (SO),
Planning Built and Natural Environment Manager (JW),
Senior Planning Assistants (CR) & (JR),
Development Management Engineer (Highways) (IWH),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members: Councillors Jeff Evans (application 7.1); Carwyn Jones and Alun Roberts (application 7.2); Dylan Rees (application 7.3); Margaret M Roberts (applications 7.4, 7.5 and 12.4); Aled M Jones (application 12.5).
- Councillors Bryan Owen, Bob Parry OBE FRAGS, Peter Rogers

1 APOLOGIES

As noted above.

2 DECLARATION OF INTEREST

None received.

3 MINUTES

The minutes of the meeting of the previous virtual meeting of the Planning and Orders Committee were confirmed as correct.

4 SITE VISITS

The minutes of the virtual site visits held on 15 September, 2021 were confirmed as correct.

5 PUBLIC SPEAKING

There were Public Speakers in respect of applications 7.1, 7.3, 12.4 and 12.5.

6 APPLICATIONS THAT WILL BE DEFERRED

None were considered by the Planning and Orders Committee.

7 APPLICATIONS ARISING

7.1 FPL/2021/144 – Full application for part demolition works together with alterations and extensions to create additional units at Llys y Gwynt, Llanfawr Close, Holyhead

The application was reported to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 1 September, 2021 it was resolved to visit the site. A virtual site visit took place on 15 September, 2021.

Public Speaker

Mr Gwyndaf Williams, in support of the application, said that the application is to modernise and build additional units for young homeless people at Llys y Gwynt. This development, if permitted, will be a huge boost in terms of improving the quality of life and opportunities for these young people. He noted that it is important that the Planning Committee is given the following information as they consider the planning application to improve and increase the size of the scheme.

- Llys y Gwynt was developed in 1998 by Cymdeithas Tai Eryri as a unit that provides 9 beds for young homeless people on the Island.
- The scheme is managed and staffed 24 hours a day by Digartref Cyf.
- Over the years, the scheme has provided a home for many of the Island's young people and has given them an opportunity to improve and flourish.
- As the scheme has been operating for 23 years, the building needs to be upgraded to meet current standards and, due to an increased demand for the service, an opportunity exists to provide 3 additional units which will increase the number of units from 9 to 12.
- The improvements proposed involve investing around £1.1m in the scheme and a £513k Homelessness Prevention grant has been secured from Welsh Government due to the increased demand for this type of service.
- During the 12 months ending 31 March 2021, 84 young people were referred to the service offered by Llys y Gwynt.
- 34 of the 84 individuals were accepted by the scheme. Of the 53 that were not accepted, 12 were refused because the risk of accommodating them was too high, proving that a detailed assessment is undertaken before accepting any young person on the scheme.
- Of the 38 accommodated at Llys y Gwynt during the year in question, 4 were care leavers who had been in the Council's care.
- During the year, there were 11 incidents where the emergency services had to be contacted. 4 because they needed an emergency ambulance, 2 because a child was missing, and 5 due to low-level anti-social behaviour. This incidence rate is low and very similar to the levels seen in general rental flat schemes.
- Anglesey County Council's Director of Social Services and Head of Housing are supportive of this proposal to improve the provision at Llys y Gwynt.

The Planning Enforcement Manager reported that the application is a full application for part demolition works together with alterations and extensions to create 6 additional unit as a hostel to provide accommodation and support for young people having 9 bedrooms with occupants sharing a kitchen and communal areas. The proposal entails the reconfiguration of the existing building and the provision of a two storey flat roof extension within an amenity area associated with the hostel. He noted that as part of the statutory consultation as regards to the application a condition has been included as part of any approval of the application that no trees are felled during the construction period. A further condition is to be imposed that obscured glazing be placed on the western elevation of the development so as to protect the amenities of the neighbouring properties.

Councillor Glyn Haynes as a Local Member said that there are concerns by neighbouring properties that insufficient consultation has been undertaken as regards to this development. He also referred that within the Officer's report it states that the Holyhead Town Council has submitted no objection to the application, however the Town Clerk has stated that there was an objection when the application was considered at a recent Town Council meeting. The Chair responded that it would be advisable for the Holyhead Town Council to contact the local planning authority regarding this matter and that the Members of the Committee be afforded with a list of statutory consultees as regards to this application. The Planning Enforcement Manager responded to the comments by the Local Member and said that the statutory consultation process has taken place as there has been representations received as is noted within the report as regards to the requirement for obscured glazing and felling of trees.

Councillor T LI Hughes MBE as a Local Member reiterated the comments by his fellow local member and noted that local concerns have been expressed to the insufficient consultation as regards to this application.

Councillor Robin Williams proposed that the application be approved and Councillor leuan Williams seconded the proposal of approval.

Councillors Glyn Haynes and T LI Hughes MBE abstained from voting as they considered that insufficient consultation had taken place with the local residents.

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

7.2 FPL/2019/338 – Full application for the part removal of the existing concrete sea defence wall and the erection of a replacement sea defence wall in its place on the boundary of Cerrig, Penmon

The application was reported to the Planning and Orders Committee at the request of the Local Members. At the meeting held on 7 July, 2021 it was resolved that a site visit was required. A virtual site visit was subsequently carried out on 21 July, 2021. The application was deferred at the meeting held on 28 July, 2021 following the receipt of amended plans which changed the design of the proposed sea wall from a sheet pile reinforced concrete plinth. At the last meeting of the Planning and Orders Committee held on 1 September, 2021 it was resolved to refuse the application contrary to the Officer's recommendation as it was deemed that the development would have a detrimental effect on the sensitive area and there is a lack of assurances as to the side effects in the future of such a development. The development is considered contrary to policies PCYFF 2 and 3 and PS20 of the Joint Local Development Plan.

Councillor Alun Roberts, a Local Member said that his fellow local member, Councillor Gary Pritchard was unable to attend the meeting. Councillor Pritchard was in support of the statement that is to be presented to the meeting. Councillor Roberts said this application is a controversial application and climate change is a factor as is with many planning applications and is a matter that is unavoidable. Natural Resources Wales (NRW) has recently foreseen that rain levels will increase by 20% together with sea levels increasing over the next few years with higher tides and storms will become more apparent. He noted that at the last meeting of the Planning and Orders Committee there were two elements considered as regards to this application – sea wall defence and allowing heavy machinery on the beach to carry out the building work. The Planning Officers have now received a month to consider the issues raised at the last meeting when the application was refused contrary to the Officer's recommendation. Councillor Roberts considered that some elements of the issues raised at the last meeting have not been addressed. He further noted that the sea defence wall will measure 7 metres in width and over 100 metres in length. He considered that creating such a sea defence wall has not been assessed as to the effect on the sea processes in this section on Anglesey. Councillor Roberts further said that it is noted within the amended appendices to the Officer's report that the sea erosion will continue either side of the sea defence. However, there is no mention within the report as to the negative effects of erecting a new sea defence wall. Any intervention of the process of the sea creates a change in the activity of the sea pattern. Linking all of this with climate change it will create problems either side of the sea defences and can effect dwellings on the side of the coasts.

Councillor Roberts referred to allowing heavy machinery on the beach if the application was approved. He considered that the Officer's report did not fully address the detrimental effect on the beach if heavy machinery is allowed on the beach area to carry out the sea defence wall i.e. management of the traffic on the beach, size of the machinery, working hours, tonnage loads allowed, paths on the beach, restoring the beach, timetable to complete the work and accountability. He noted that having read the documentation with the application the information contained is inadequate and it is concerning that it is suggested that some of the works is not required. Councillor Roberts further said that with the introduction of planning policy TAN 15 in the next few weeks, more attention will be given to climate change within the policy; flooding and dangers to the coastline of Wales will be addressed.

Councillor Carwyn Jones, a Local Member said that the erection of the sea defence wall of over 100 metres in length and 7 metres in height along Lleineiog Beach will have a detrimental effect on a sensitive area and will have serious damage as regards to historical Ice Age rock formations at the beach which is of worldwide importance. He noted that GeoMôn's comments as regards to this application has not been received which is imperative in respect of this development due to the geographical sensitivity of the area. The location of the site is within the Conservation Area of the Menai Straits and sensitive area of SSI, Aberlleiniog Fisheries and AONB area. Councillor Jones expressed strongly that once the damage to this sensitive area has occurred it will not be returned to its original state. He said that allowing this application will set a precedent for a number of similar applications in the future and will damage the sea defence of the Island; it will also change the course of nature. He expressed that around 50 residents live near the coastline in the area and approving this application could result in people having to erect a sea defence wall to defend their own properties.

Councillor Carwyn Jones further said that the proposed application is in contrary of the Shore Management Plan. It is noted within the Shore Management Plan that no

intervention is to be on the shore of the Menai Straits. He further said that AMG 4 of the Joint Local Development Plan refers 'that coastal development that is detrimental to the environment or the character of the land is unacceptable'. Councillor Jones therefore requested that the Committee reaffirms its previous decision to refuse the application.

The Chief Planning Officer reported that the Officer's report addresses the concerns at the last meeting with regards to the negative and detrimental impact upon the environment and nearby sensitive designations and the adverse side effects upon the nearby coastal area. He noted that further details and mitigation measures in an effort to protect the local environment and designated sites have been submitted by the applicant. These included measures controlling disturbance to wildlife and ecology by managing the storage of materials and plant machinery, surface water, biosecurity, dust, noise, vibrations and spillages. The applicant has proposed monitoring reporting process during pre-construction stage, construction stage and following completion of the works. Monitoring will include the on-site presence of an ecologist, creation of photographic records and topographical surveys. With respect to movement of vehicles across the foreshore, the excavators and dumpers will have low ground pressure tracks or floatation tyres to minimise disturbance to the sand and shingle. All vehicle movement will be restricted to a strip of barren shingle which will be clearly marked. The Chief Planning Officer said that the specialist consultees including NRW, the Authority's Ecologist, CADW together with Gwynedd Archaeology Planning Services (GAPS) have assessed the application and its impact upon the sensitive receptors. All consultees are of the view that given the temporary nature of the construction works together with the mitigation measures being proposed, the works will not have a detrimental impact upon the sensitive area subject to conditions.

The Chief Planning Officer further reported that as regards to the impact of the proposed development upon the adjoining coastline the applicant has provided information that shows that the construction of the sea defence wall will dissipate wave action more effectively hence reducing impacts. NRW do not disagree with this assessment submitted. He noted that officers were of the opinion that the development amounted to the repair and maintenance of the sea defence wall but surmised that the local members appeared to be of the opinion that the nature of the development went beyond this, was significant and was more akin to a new structure. He noted that reference has been made by the Local Members to the Shoreline Management Plan, and given their interpretation of the development it could be argued that due to the policy approach for the area being No Active Intervention (NAI), the proposed development would not accord with the management approach as set out within the Shoreline Management Plan. The Chief Planning Officer referred to the Officer's report as regards NAI policy description for the coastline to the east of Penmon in the Shoreline Management Plan, and reiterated that officers considered that the proposal does not conflict with the intention of the plan.

Councillor John Griffith questioned whether the applicant has formally said that he will restore any damage that occurs to the site if the application is approved. He also referred to the Shoreline Management Plan within the Officer's report and the relevant policies within the Plan. He questioned as to the recommendations of NRW that the applicant discusses the scheme with the Local Authority to change the plan level policy. The Chief Planning Officer responded that the applicant has submitted amended plans outlining that monitoring reporting and mitigation measures will be undertaken to protect the environment. Planning conditions are proposed that will require these measures to be incorporated into the development and the developer will be expected to comply with requirements. As regards to the Shoreline Management Plan and to the recommendations of NRW that the applicant discusses the scheme to

change the plan level policy it is considered that this is a matter for the applicant to pursue separately. He expressed the view that there appears to be a difference of opinion between officers and local members regarding the extent and scope of the works and consequently as to whether the works complied with the Shoreline Management Plan. Councillor Griffith ascertained whether legal opinion has been sought as regards whether such works should be approved on this site. The Legal Services Manager responded that no legal opinion has been sought but he noted that the policies within the Shoreline Management Plan is separate to planning policies.

Councillor K P Hughes said that at the previous meeting he abstained from voting as he required further information as regards to this application. He said that he has read the Officer's report before this meeting the application is for part removal of the existing concrete sea defence wall and the erection of a replacement sea wall to protect the applicant's property. The applicant has submitted a number of mitigation measures to protect the local environment and the professional consultees have responded that the works on the site will not have a detrimental effect within this sensitive area. Councillor K P Hughes proposed that the application be approved.

Councillor Dafydd Roberts said that if the application was to erect a new sea defence wall it would be refused as it did not conform to policies. However, as the application before the Committee was to part replace the sea defence wall and if the foundation of the sea defence wall is not maintained it will collapse due to erosion by the sea. He seconded the proposal of approval.

Councillor Ieuan Williams said that he considered that the applicant would be able to maintain the sea defence wall from his own property and he reaffirmed his previous decision to refuse the application.

In the subsequent vote the proposal to approve the application contrary to the Officer's recommendation was carried by 9 votes to 1.

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

7.3 HHP/2021/183 – Full application for alterations and extensions together with the erection of a garden room at Dirion Dir, Llangefni

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 1 September, 2021 it was resolved to visit the site. A virtual site visit took place on 15 September, 2021.

Public Speakers

Ms Edwina M Jones, **spoke against the application** and said that she believed that this scheme would create an increase in size, scale and mass that would lead to overdeveloping the site. However, her main concern is the effect on her privacy and that of her neighbour who lives at Glen Ridge. According to the plans submitted, there will be 10 windows on the south-west elevation facing her home at Dolgynydd, and 3 of them are excessively large in size. This will exacerbate the existing situation, and because of the height of Dirion Dir's ridge and its raised position above Dolgynydd, using some of these windows would create significant problems as they will overlook her home, and will further erode her privacy. She noted that the video of the site as was presented to the Site Visit of the site may give the impression that the trees that she has planted in her back garden and those that have been planted at Glen Ridge will provide some privacy, but it must be considered that the trees will lose their leaves

in winter and Dirion Dir will be clearly visible from Dolgynydd. Additionally, the effects of climate change could create long-term problems for the leylandii trees at Glen Ridge, and if they are uprooted in a storm, the issue of overlooking from Dirion Dir would increase significantly. Ms Jones further said that the lack of privacy and significant increase in visual impact will cause considerable concerns for her personally and she asked to Committee whether they would be happy to live in Dolgynydd with some of the windows that will be overlooking her property.

Mr Owen Evans, **in support of the application** said that the development is for two small extensions to the property at Dirion Dir with a sunroom and extension to the bedroom on the first floor together with an extension to a dining room. The back extension will not be visible from neighbouring properties as it will be at the corner of the existing building. The distance from Dolgynydd and Glen Ridge comply with the requirements of the SPG as regards to overlooking. The requirement is 21 meters, but both these properties are 33 meters away. The extension to the property at Dirion Dir is not visible from the neighbouring property of Dolgynydd. He noted that reference has been made that the site will be overdevelopment, only a small percentage of the site will be taken up by the sunroom will be taken up but the extension will only be 2.23% of the whole site. The sunroom will be erected on the current patio area, the garden storage is 17.4 meters² and the carport is already used as a parking area therefore there is no change to the use. He further said that the high deck over the carport does not create problem for the Ponc y Fron Estate and the other side of the high deck is over open fields. The deck will afford the family an outside seating area as the site at present is surrounded by trees.

The Planning Enforcement Manager reported that the application is for alterations and extensions including a new garden room/store together with a 1st floor decking area with glass balustrading to the property. He noted that a letter of objection was received together with a letter on behalf of a neighbour in respect of this application. The main points of objections raised were summarised within the Officer's report to the Committee. The Planning Enforcement Manager further reported that it is considered that the proposal is acceptable within planning terms and the recommendation was one of approval.

Councillor Dylan Rees, a local member said that he was supporting the objections by the neighbouring properties as regards to this application. He said that Ms Edwina M Jones was not against the principle of adaptations proposed at Dirion Dir but was against the submitted application within its context. He noted that reference has been made within the Officer's report and by the supporter of the application that the proposals complies with the Supplementary Planning Guidance (SPG) but these are only guidelines and he referred to Newport City Councils' SPG which refers to similar planning proposals and the overbearing effect on neighbouring properties. Councillor Rees expressed that there is an overbearing effect on the neighbouring properties at Dolgynydd and Glen Ridge and Ms Edwin M Jones has expressed that the proposal would have detrimental negative effect on her property. He further referred to the Officer's report that concludes that 'on balance' it is considered that the proposal is acceptable in land use planning terms and Councillor Rees considered that it was not a definitive recommendation and asked the Committee to refuse the application.

Councillor Dafydd Roberts questioned whether the 'overbearing effects' should be considered in deliberating such a proposal. The Planning Enforcement Manager responded that 'overbearing effects' are considered as regards to planning application as it has in this instance. He said that the Officer's do not consider that the proposal would have an overbearing effects on the neighbouring properties and it does comply with planning polices and with the SPG adopted by the Authority.

Councillor John Griffith proposed that the application be approved and Councillor Eric W Jones seconded the proposal of approval.

It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report.

7.4 FPL/2021/145 – Full application for the siting of 2 shepherd huts at Rhosydd, Brynteg

The application was reported to the Planning and Orders Committee at the request of a local Member. At the meeting held on 1 September, 2021 it was resolved to visit the site. A virtual site visit took place on 15 September, 2021.

Councillor Margaret M Roberts, a Local Member said that the site is located near an extensive caravan site. She further said that at the virtual site visit the Officer's confirmed that the size of the shepherd huts are a quarter in size of a static caravan and are not visible from the highway. Councillor Roberts asked the Committee to approve this application.

The Planning Enforcement Manager reported the siting of 2 permanent shepherd huts in this open countryside does not conform with planning policies within the Joint Local Development Plan. The recommendation is of refusal of the application.

Councillor John Griffith ascertained the reasons as to the statement within the Officer's report that the proposal does not align with the definitions of a high quality development. The Planning Enforcement Manager responded that the planning policies within the Joint Local Development Plan requires that a higher quality development than erecting 2 shepherds huts in the back garden of a property and it could result in an influx of applications for such developments.

Councillor Ieuan Williams said that he agreed with his fellow local member that the site is near a number of caravan sites and he proposed that the application be approved contrary to the Officer's recommendation. Councillor Vaughan Hughes seconded the proposal of approval.

It was RESOLVED to approve the application contrary to the Officer's recommendation as it was considered that the proposal complies with policy TWR3 and that the location of the site is near a number of caravan sites.

(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report in respect of the reasons given for approving the application).

7.5 HHP/2021/157 – Full application for alterations and extensions at The Old Smithy, Marianglas

The application was reported to the Planning and Orders Committee at the request of a local member. At the meeting held on 1 September, 2021 it was resolved to visit the site. A virtual site visit took place on 15 September, 2021.

Councillor Margaret M Roberts, a Local Member said that she had 'called-in' the application on behalf of the local Community Council as they are objecting to the application. The site location is situated on the prominent Common area in Marianglas

and the proposed extension to the dwelling does not conform with the dwellings on either side as they are bungalows and raised the ridge height will be discordant when viewed against other properties in the area and the Old School Building at Marianglas. She further said that approving this application would change the character of the area and would set a precedent for similar extensions.

The Planning Enforcement Manager reported that application is for an extensions to the property and to raise the roof extension to include a dormer window on the front elevation. It is acknowledged that the proposed roof extension will increase the ridge height of the property, but it is considered that the increase in the ridge height is acceptable given the various styles of single and two storey properties in the vicinity. He further said that the proposal is not considered to be detrimental to the character of the area and to neighbouring properties.

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

Councillor Ieuan Williams proposed that the application be refused contrary to the Officer's recommendation as he considered that the development would be overdevelopment of the site. Councillor Vaughan Hughes seconded the proposal of refusal as the Community Council has submitted objection to the application.

Following the ensuring vote **it was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report.**

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

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

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

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

12 REMAINDER OF APPLICATIONS

12.1 FPL/2021/220 – Full application for the retention of a prefabricated building to be located on the land temporary until March 2022 to house two classrooms and toilets for use by pupils at Canolfan Addysg y Bont, Cildwrn Road, Llangefni

The application was reported to the Planning and Orders Committee as the land is owned by the Council.

The Chief Planning Officer reported that the application is for the retention of a prefabricated building to be located on the land temporary until March 2022 due to

essential extensive maintenance work which is required to be undertaken on the roof of Canolfan Addysg y Bont. He said that Condition 1 of the Officer's report would need to be deleted as the application is for a temporary period only.

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

It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained in the written report and that Condition 1 be deleted.

12.2 FPL/2021/163 – Full application for alterations and extensions to the existing listed building together with landscaping works at Ucheldre Centre, Holyhead

The application was reported to the Planning and Orders Committee as the Council is the landowner of part of the site.

The Planning Built and Natural Environment Manager reported that the application is for a side extension to create a shop/lobby, erection of a rear extension so as to create an art workshop, dance studio, storage and changing facilities for the existing Ucheldre Centre listed building, alterations to the existing internal layout together with partial demolition of external walls together with soft and hard landscaping. He noted that it is considered that the extensions will not dominate the existing buildings' character or appearance. It was further noted that amended plans were submitted on 17 September, 2021 and the expiry date for receiving representations will be the 14 October, 2021.

Councillor T LI Hughes MBE proposed that the application be approved and Councillor John Griffiths seconded the proposal.

It was RESOLVED to approve the application and to grant Officer's power to act by approving the application in accordance with the recommendation following the statutory consultation period coming to an end.

12.3 LBC/2021/24 – Listed Building Consent for part demolition and extensions together with internal and external alterations to the building at Ucheldre Centre, Holyhead

The application was reported to the Planning and Orders Committee as the Council is the landowner of part of the site.

The Planning Built and Natural Environment Manager reported that the application is for Listed Building Consent for part demolition and extensions to the Ucheldre Centre, Holyhead.

Councillor Eric W Jones proposed that the application be approved and Councillor K P Hughes seconded the proposal of approval.

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

12.4 FPL/2021/108 – Full application for conversion of the outbuilding into an affordable dwelling together with alterations and extensions at Fedw Uchaf, Brynrefail, Dulas

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

Public Speaker

Mr Rhys Davies, **in support of the application**, said that the application is for the conversion of an outbuilding into an affordable dwelling, together with alterations and extensions to create an affordable dwelling with two double bedrooms and one single bedroom – which is no more than is absolutely necessary to meet the family's needs. The key policy here is Policy TAI 7, and this policy permits the use of former agricultural buildings as affordable dwellings. Having said that, not much use is made of this aspect of the policy – as most people's first choice is to convert this type of building for commercial use – usually as holiday units. However, this case is an exception, as the applicant's first choice is to create an affordable dwelling for himself and his family.

The committee report confirms that 5 criteria must be considered under Policy TAI 7:

Firstly, there must be evidence that employment use of the building is not viable. After submitting a pre-application, the applicant was advised to put the building on the market for commercial use. Obviously, he did not wish to sell or rent the building as commercial unit nor a holiday accommodation to comply with the criteria. The building has been marketed on the rental market for approximately a year with 9 enquiries received, but in the end the building and the location were not suitable for anyone. The location was the problem rather than the price. We therefore believe that the first criterion has been met. The committee report states that the marketing information has been reviewed by the Authority's Principal Valuation Officer, who has concluded that the rental price of £700 per month is excessive and unrealistic.

Comparisons are drawn with industrial units in Holyhead – but no mention is made of a comparison with a unit that is more comparable with this building – the old mill in Pencraig, Llangefni. In that case, the Council itself has been marketing the old building, which has a smaller floor space, for a price of £7,500 per annum. The applicant has submitted this evidence as part of the application, but there is no mention of that in the Officer's report. Therefore, it is believed that the marketing process has been completed in an acceptable manner to comply with the policy.

The report confirms that the applicant complies with the second criterion, which is extremely important. He is on the Tai Teg register – he is in need of an affordable dwelling and the applicant also needs to live closer to relatives living in Fedw Uchaf itself, and who require care and support. Clearly, therefore, the applicant complies with this important aspect of the policy and there is confirmation that he is in need of an affordable dwelling and has appropriate local connections to the area.

The report also confirms that the application complies with criterion 3 of the policy and confirms that the building is structurally sound.

Criterion 4 states that no extensive alterations are required to enable the development – and the report states that any addition should not be an aspiration by the applicant to add luxury. In this instance, a house of only 80 metres² will be created, which is reasonable and in line with the size requirements of an affordable dwelling. There is no luxury in this application – only a desire to create a dwelling that can provide a suitable roof over the heads of the applicant and his children.

The Chief Planning Officer reported that the application is for the conversion of an outbuilding into an affordable dwelling together with alterations and extensions. He said that whilst there are planning policies that support developments, the proposal does not meet all the criteria within the relevant policies – TAI 7. Policy TAI 7 relates to the conversion of traditional buildings in the open countryside to residential use if there is evidence that employment use of the building is not viable. Information submitted with the application demonstrates that it has been marketed for commercial use at £700 per calendar month for a period of 12 months. The marketing information has been reviewed and it has been concluded that having regard to the location of the site, the condition of the building and lack of services, the rental valuation is excessive and not realistic. The Chief Planning Officer said that it is also considered that the proposed extension to the building is excessive and unacceptable as it would amount to 74% increase in the floor space of the building. The recommendation is of refusing the application as it does not meet all the necessary criteria.

Councillor Margaret M Roberts, a Local Member said that the proposal is for the conversion of the outbuilding as the applicant is unable to afford a dwelling on the open market as house prices in the area are excessive and unaffordable for the applicant. The applicant also wishes to be near his elderly mother to help on the farm. The planning policies relates that evidence needs to be shown that employment use of the building if not viable. The applicant has marketed the commercial use of the building but the location of the site is unrealistic in the application site. Councillor Roberts asked the Committee to support the application as there is evidence that the applicant needs to support his family in this site.

Councillor Vaughan Hughes, and a Local Members questioned as to the comments by the Officer as regards that the application is excessive and luxurious within its context. He further said that the proposal does conform to most of the planning criteria in this instance. The Chief Planning Officer responded that such adaptations should be kept to an absolute minimum. In this instance the extensions provide for extra living rooms and additional bedrooms. It is considered that building is not adequate to create a dwelling without excessive extensions as has been submitted.

Councillor John Griffith said that he considered that the Committee needs to be consistence in approving such applications and he referred to an application previously refused by the Committee in the Llanddaniel area as it was considered that the proposed extensions were considered excessive to the original building. He said that this proposal will equate to 74% increase to the floor space of the building.

Councillor John Griffith proposed that the application be refused in accordance with the Officer's recommendation. Councillor Dafydd Roberts seconded the proposal of refusal.

Councillor Ieuan Williams proposed that the application be approved contrary to the Officer's recommendation as he considered that each application must be considered within its own merit and the proposal complies with planning policies. Councillor Vaughan Hughes seconded the proposal of approval.

In the subsequent vote the proposal to approve the application contrary to the Officer's recommendation was carried by 8 votes to 2.

It was RESOLVED to approve the application contrary to the Officer's recommendation as it was considered that the proposal complies with policy

TAI3, that there is no alternative employment use that has been shown and that the alterations are not extensive.

(In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report in respect of the reasons given for approving the application).

12.5 FPL/2021/106 – Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes

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

Councillor A M Jones, a Local Member requested that a site visit be undertaken in order that the Committee can view the suitability of the site in the village of Cemaes.

Councillor R O Jones, and a Local Member proposed that a site visit be undertaken to view the site. Councillor Robin Williams seconded the proposal.

It was RESOLVED that a virtual site visit be undertaken in accordance with the Local Members' request.

13 OTHER MATTERS

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

**COUNCILLOR NICOLA ROBERTS
CHAIR**

This page is intentionally left blank

PLANNING SITE VISITS

Minutes of the Virtual meeting held on 20 October, 2021

- PRESENT:** Councillor Nicola Roberts - Chair
- Councillors John Griffith, Glyn Haynes, K P Hughes, T LI Hughes MBE, Eric W Jones, R O Jones, Dafydd Roberts, Ieuan Williams.
- IN ATTENDANCE:** Senior Planning Officer (JR),
Committee Officer.
- APOLOGIES:** Councillors Vaughan Hughes Robin Williams.
- ALSO PRESENT:** None
-

- 1. FPL/2021/106 – Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes**

A video of the application site, the highway passing and leading to the site was shown to the Committee.

**COUNCILLOR NICOLA ROBERTS
CHAIR**

This page is intentionally left blank

Planning Committee: 03/11/2021

7.1

Application Reference: FPL/2021/145

Applicant: Mrs Roberts

Description: Full application for the siting of 2 shepherd huts at

Site Address: Rhosydd, Brynteg



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

Recommendation: Refuse

Reason for Reporting to Committee

The application was called in to be determined at the Planning Committee at the request of local member Margaret Roberts.

At the planning committee of the 01/09/2021 the member resolved to recommend the application for a site visit. Subsequently, a virtual site visit has taken place and the local members are now aware of the site and its surroundings.

At the committee of the 06/10/2021 it was voted that the application be approved contrary to officer recommendation. The recorded reason being as follows:

- That the scheme is adjoining an existing static caravan site and that the scheme will not be visually harmful due to its siting between a caravan site and an agricultural shed.

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

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution." Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

The proposal is a standalone holiday enterprise which is independent from the adjoining static caravan site.. Furthermore, the permission for the static caravan site is long established and pre-dates the adoption of the Joint Local Development Plan.

It must be noted that the proposal does not align with policy due to its sub-standard sustainability credentials and non-compliance with the supplementary planning guidance in terms of high quality.

Conclusion

The proposal does not align with the definitions of a high quality development and as such does not accord with the provisions of the adopted development plan or other material considerations. The relatively rural location of the site will also mean that private transport will be a primary form of movement once guests have arrived at the site.

Recommendation

That the application is refused for the following reasons:

(01) The proposal by virtue of its limited number of units is not considered to be of high quality design and as such is in contravention to policies PCYFF 3 and TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan.

(02) The proposal is located in an unsustainable location in the open countryside and would not accord with policies TWR 3, PS,4 and PS5 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Planning Policy Wales (Edition 11), Technical Advice Note 18: Transport (2007) and Supplementary Planning Guidance Tourism Facilities and Accommodation.

Application Reference: FPL/2021/106

Applicant: Gareth Jones

Description: Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at

Site Address: Neuadd, Cemaes



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

Recommendation: Refuse

Reason for Reporting to Committee

At the request of the Local Member - Councillor Aled Morris Jones.

At the meeting held on the 6th October 2021, members resolved to visit the site. The virtual site visit took place on the 20th October 2021 and members will now be familiar with the site.

Proposal and Site

The application is for the siting of a wooden hut to accommodate a milk vending machine (Use Class A1) together with the formation of a hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes.

The application site is located in the open countryside in a designated Area of Outstanding Natural Beauty on the outskirts of the village of Cemaes. The application site comprises part of an agricultural enclosure off the A5025, some 0.4km from the settlement's development boundary and some 0.85km from the village centre.

Key Issues

The key issues are whether the proposal complies with relevant local and national planning policies, whether the proposal is acceptable in terms of its location and whether the proposal is acceptable in terms of its design and appearance and impacts upon the designated Area of Outstanding Natural Beauty.

Policies

Joint Local Development Plan

Strategic Policy PS 1: Welsh Language and Culture
 Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
 Strategic Policy PS 5: Sustainable Development
 Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
 Strategic Policy PS 13: Providing Opportunity for a Flourishing Economy
 Strategic Policy PS 15: Town Centres and Retail
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
 Policy TRA 2: Parking Standards
 Policy TRA 4: Managing Transport Impacts
 Policy PCYFF 1: Development Boundaries
 Policy PCYFF 2: Development Criteria
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 4: Design and Landscaping
 Policy MAN 6: Retailing in the Countryside
 Policy AMG 1: Area of Outstanding Natural Beauty Management Plans
 Policy AMG 5: Local Biodiversity Conservation
 Supplementary Planning Guidance: Parking Standards (2008)
 Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
 Technical Advice Note 12: Design (2016)
 Technical Advice Note 18: Transport (2007)
 Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Ymgynghoriadau Cynllunio YGC	Objection
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Iechyd yr Amgylchedd / Environmental Health	Comments

Ymgynghorydd Tirwedd / Landscape Advisor	Comments/concerns.
Cyngor Cymuned Llanbadrig Community Council	Support.
Cynghorydd Richard Owain Jones	No response at the time of writing the report.
Cynghorydd Aled Morris Jones	Request that the application be referred to the Planning Committee for determination.
Cynghorydd Richard Griffiths	No response at time of writing report.

The application was afforded statutory publicity.. This was by the posting of personal notification letter to the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 01/07/2021.

At the time of writing the report 252 letters together a petition containing 3312 signatures had been received in support of the application.

Relevant Planning History

None.

Main Planning Considerations

The application is made for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd Cemaes.

The development has already been carried out without the benefit of planning permission and is operational.

It is also apparent that the works carried out at the site do not conform to the plans submitted with the application.

The application site is located in the open countryside in a designated Area of Outstanding Natural Beauty on the outskirts of the village of Cemaes. The application site comprises part of an agricultural enclosure off the A5025, some 0.4km from the settlement's development boundary and some 0.85km from the village centre.

The application is submitted as a farm diversification scheme in connection with an existing dairy farm at Nant Y Fran, located some 1.3km from the application site. The application site itself however, does not form part of the Nant y Fran farm and is not within the ownership of the applicant.

Policy PCYFF1 of the JLDP states that outside development boundaries development will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

The site is located within the designated Area of Outstanding Natural Beauty in a locally prominent location adjacent to the A5025 at the junction with the minor road to Llanbadrig. The site has attractive views to the coast and Cemaes but influenced by detracting features such as the A5025, wind turbines and longer views to Wylfa.

LANDMAP describes the area 'to the east and west of Amlwch, extending from the coast 2km... inland, this is an intricate small scale landscape with winding lanes, glimpses of the coast, small craggy hillocks and damp valleys... There are scattered houses and small fields... Within the area is the settlement of Bull Bay dominated by bungalows and holiday accommodation, and an adjacent golf course... These detract from the integrity of the nearby landscape, as do views glimpsed to Wylfa power station... Otherwise, this

*is an attractive varied landscape...’ and of **High** value as an ‘Attractive and distinctive intricate landscape with rocky parts, views to coast, sheltered valleys... Generally unspoilt, except around Bull Bay’*

Despite its proximity to the A5025, the site displays the qualities typical of the LANDMAP description and local character of the AONB.

Strategic policy PS 19 relates to conserving and where appropriate enhancing the natural environment and states that the Councils will manage development so as to conserve and where appropriate enhance the Plan area’s distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question.

Policy AMG 1 relates to Area of Outstanding Natural Beauty Management Plans and states that proposals within or affecting the setting and/or significant views into and out of the Areas of Outstanding Natural Beauty must, where appropriate, have regard to the relevant Area of Outstanding Natural Beauty Management Plan.

The Anglesey AONB Management Plan 2015-2020 notes:

CCC 3.1 All development proposals within and up to 2Km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites.

CCC 3.2 All new developments and re-developments within and up to 2Km adjacent to the AONB will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development, will be supported.

The details submitted with the application are of a timber hut located at the Southern end of the site, measuring 5m x 3m x 2.5m painted with a dark wood stain and roofed with corrugated metal.

However the hut has been erected is in a different position and of a different design and colour to the submitted plans. The hut is closed to the elevation facing the A55 and internal lighting would be constant to the elevation facing the carpark. Some indicative planting is shown on the submitted plan, but no detailed specification is provided and in any case would not serve to adequately screen or landscape the development.

The hut together with the gravel hardstanding parking area are prominent and incongruous in the sensitive designated landscape and give rise to adverse effects, particularly as a result of the vehicular activity at the site, localised light spill from the open hut upon the special qualities of the AONB contrary to policy AMG 1 of the JLDP.

Strategic Policy PS15 (Town centres and retail) of the JLDP provides the strategic guidance for retailing within the plan area and reflects the Plan’s aim of developing a planning framework which safeguards and enhance the position of town centres as locations for retail and commercial services. Whilst a more recent version of Planning Policy Wales (Edition 11, February 2021) has been released since the JLDP was adopted, it is considered that the Plans policies in respect of retailing are still consistent with the latest national planning guidance. In respect of the proposal in question attention is drawn to bullet points 4 and 6 of Policy PS15, which read as follows:

- Resisting development that detract from their vitality and viability and protecting against the loss of retail units within the Primary Retail Areas, as shown on the Proposal Maps (4).
- Restricting the expansion of out-of-town retailing and leisure development (6).

Policy MAN 6 relates to retailing in the countryside and states that proposals for small scale shops or extensions to existing shops outside development boundaries will be granted provided they conform to the following criteria:

- 1. The shop is a subservient element of an existing business on the site;*
- 2. The shop will not significantly harm nearby village shops;*
- 3. Priority has been given to using an appropriate existing building;*
- 4. The new use will not significantly harm the amenities of neighbouring residents or the character of the area;*
- 5. The development is accessible via sustainable means of transport;*
- 6. Access and parking arrangements are satisfactory and the development will not significantly harm highway safety.*

Paragraph 3.7.1 of Technical Advice Note 6 (TAN 6): Planning for Sustainable Rural Communities states that when considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

Paragraph 3.7.2 states that many economic activities can be sustainably located on farm. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Paragraph 5.6.10 of Planning Policy Wales (Edition 11) (PPW 11) states that planning authorities should adopt a positive approach to diversification projects in rural area. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

Para 5.6.11 goes on to state that whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

Para 5.6.13 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non-traditional livestock and crop farming, tourism projects, farms shops, and making and selling non-agricultural products. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Whilst accepting that the development has some connection with the existing Nant y Fran dairy farm, it is neither located on the farm or on land within the applicants' ownership or control, consequently the proposal fails to accord with criterion 1 of policy MAN 6 and the provisions of TAN 6 and PPW 1.

Paragraph 3.3 of the Planning Support Statement states that it is proposed that the development will take place on the application site, instead of at Nant Y Fran for a number of reasons. First, the proposed site is located a short distance off the A5025 meaning that it is more accessible for customers to reach. Secondly, the application site is located within closer proximity to sustainable modes of transport than Nant y Fran. Finally there is no available of appropriate sites for the proposed development at Nant y Fran.

It is considered that these arguments are not persuasive and do not provide a compelling justification for the development in this sensitive location or demonstrate that its location in the countryside is essential

and simply serves to reinforce the LPA's argument that the most appropriate location for this development would be within a development boundary.

It is clearly possible to operate and manage the venture away from the farm, however no compelling reasons been provided to justify the development in this particular open countryside location and designated AONB. Therefore, given that the village of Cemaes is located only a short distance further away, the LPA considers that the development would be best located at an appropriate site within the development boundary of the village or other appropriate location.

Whilst the LPA are generally supportive of farm diversification proposals, fundamentally, assessment of the application is concerned with the land use, that is retailing and there is no satisfactory mechanism available to the LPA to control or restrict the nature of the goods being sold. Indeed the planning statement confirms the applicants desire to sell other local produce through the vending machines such as cheese, jam, cakes and ground coffee.

The Local Planning Authority therefore consider that the establishment of a retail outlet in the open countryside in a designated Area of Outstanding Natural Beauty is unacceptable and is contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS15, MAN6, PS19, AMG1, the provisions of Planning Policy Wales (Edition 11) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

The consultation response received from YGC has highlighted that the site lies partly within zone A (Development advice maps accompanying TAN15: Development and Flood Risk) which is usually considered to be at little or no risk of flooding. However, a part of the site is shown to be at risk of flood risk in the latest floodmap for surface water. As such, it is considered that flooding is a material consideration in accordance with section 11.1 of TAN15.

They have therefore raised an objection to the development and advised that the developer should produce a Flood Consequences Assessment (FCA) which considers whether the site can be safely developed in accordance with TAN15, and increasing flood risk to nearby properties.

Additional information has been received and reviewed by YGC whom have confirmed that the information satisfactorily addresses their concerns and that their objection is therefore withdrawn.

Conclusion

The Local Planning Authority therefore consider that the establishment of a retail outlet in the open countryside in a designated Area of Outstanding Natural Beauty is unacceptable and is contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS15, MAN6, PS19, AMG1, the provisions of Planning Policy Wales (Edition 11) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

Recommendation

That the application is refused for the following reasons:

(01) The Local Planning Authority considers that the development by virtue of not being a subservient element of an existing business on the site is contrary to the provisions of policy MAN 6 of the Anglesey and Gwynedd Joint Local Development Plan.

(02) The Local Planning Authority considers that the proposal would result in the unacceptable and unjustified development of an isolated A1 retail outlet in the open countryside contrary to the provisions of policies PCYFF1 and PS 15 of the Anglesey and Gwynedd Joint Local Development Plan and the advice contained within Technical Advice Note 6 'Planning for Sustainable Rural Communities' and Planning Policy Wales (Edition 11).

(03) The Local Planning Authority considers that the development neither conserves nor enhances the special qualities and features of the designated Area of Outstanding Natural Beauty to the detriment of the character and appearance of the area contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS19 and AMG 1 of the Anglesey and Gwynedd Joint Local Development Plan.

Application Reference: FPL/2021/108

Applicant: Mr Antony Welsh

Description: Full application for conversion of the outbuilding into an affordable dwelling together with alterations and extensions thereto at

Site Address: Fedw Uchaf, Brynrefail, Dulas



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

Recommendation: Refuse

Reason for Reporting to Committee

The application is presented to the Planning and Orders Committee at the request of the Local Member, Councillor Margaret Murley Roberts.

At its meeting held on the 6th October, 2021 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- That the proposal complies with policy TAI7, that there is no alternative employment use has been shown and that the alterations are not extensive.

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

“Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee’s reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution.” Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

- That there is no alternative employment use has been shown

Criterion 1 of policy TAI 7 requires that it be demonstrated that there is evidence that employment use of the building is not viable.

The information submitted with the application demonstrates that it has been marketed for commercial use at £700 per calendar month for a period of 12 months (this price equates to £8400 per annum or £120/m²).

The marketing information has been reviewed by the Authority’s Principal Valuation Officer who has concluded that having regard to the location of the site, the condition of the building and the lack of services (electricity, water, drainage) that the rental valuation of £700pcm is excessive and not realistic.

By way of comparison, the Principal Valuation Officer has advised that brand new industrial units were recently let for £40/m² in Holyhead and a 1980’s industrial lock-up unit of similar size is let at £30/m² in Newborough. The rental valuation of the subject property is therefore 3-4 times greater than these comparable examples.

At the Planning Committee held on the 6th October 2021, the agent for the application sought to draw comparison with Melin Y Graig in Llangefni which has been marketed for rent by the Authority for £7,500 per annum.

The Principal Valuation Officer has confirmed that comparable evidence is based on actual completed lettings and not asking prices and that as the Council has been unable to let Melin y Graig, the Housing Service is currently reviewing the situation in relation to that particular property.

Clarification has been sought from the agent in relation to the rental valuation attributed to this property, however to date no compelling information has been received by the LPA to demonstrate that the rental valuation in this instance has been appropriate.

Consequently the LPA remain of the opinion that it has not been demonstrated that that employment use of the building is not viable contrary to the requirements of criterion 1 of policy TAI 7.

- The alterations are not extensive.

Members of the Committee resolved to approve the application contrary to officer recommendation on the grounds that there is no development plan policy in relation to the size and scale of extensions which are appropriate and permissible as part of conversions schemes, noting that the content of the SPG is simply guidance and not policy.

The LPA would argue however that this is not the case and it is in fact a requirement of policy TAI 7 that 'No extensive alterations are required to enable the development' (criterion 4).

Section 8.0 of the associated Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside provides guidance in relation to extensions and the extent to which they may or may not be acceptable in relation to compliance with criterion 4 of the policy.

Paragraph 8.1 of the SPG states that in the context of Policy TWR 2 together with policy TAI 7 the building intended for conversion for alternative use should be suitable for the proposed use. The building in its current form (in terms of size) should be suitable; no extensive extensions should be required to enable the development.

Paragraph 8.2 states that where strong justification is submitted, it may be possible to justify small additions to the original building as long as these additions have been designed in a way that is sensitive and in keeping with the original building. Any extensions should add value to the building in terms of architectural design as well as a wider contribution to the local environment.

Paragraph 8.3 states that any addition should be fit for purpose and should not be an aspiration by the applicant to add luxury (e.g. play room, additional bedroom). The types of extensions considered to be suitable include a small foyer or small extension to the walls to create more practical space within the essential rooms (e.g. kitchen and bathroom).

The proposed conversion includes the addition of two extensions to the existing building. The extension to the side, in lieu of an existing metal shed, accommodates approximately half of the kitchen/diner and the extension to the rear accommodates two bedrooms a bathroom and hallway. Within the existing building it is intended to provide WC, living area, bedroom and external boiler room.

The floorspace of the retained elements of the existing building is approx. 46m² and the floorspace of the proposed extensions are 34m², amounting to a 74% increase in the floorspace of the building.

As noted above, criterion 4 of policy TAI 7 requires that no extensive alterations are required to enable the development. The expectation is that the existing building is suitable i.e. large enough for the proposed use and that essential rooms are contained within the existing building i.e. kitchen, bathroom, bedrooms and that any extensions which may be required are small.

It is clear from the submitted plans that the kitchen, bathroom and two of the three bedrooms would be contained within the proposed extensions. The extent of the extensions required to enable the development, which increases the amount of floor space by 75% is therefore regarded as being excessive and unacceptable having regard to the requirements of criterion 4 of policy TAI 7 and the guidance contained in the SPG.

Furthermore, the need for these extensive extensions is indicative of the fact that the existing building is not therefore, in terms of its size, suitable for the proposed use.

In light of the above, the LPA remain of the opinion that the proposal is contrary to the provisions of policy TAI 7 of the JLDP.

Conclusion

In light of the above, the proposal is therefore considered to be contrary to policies TAI 7 of the Joint Local Development Plan, the advice contained in the Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside.

Recommendation

That the application is refused for the following reason:

(01) The Local Planning Authority considers that the development is contrary to the provisions of Policy TAI 7 of the Anglesey and Gwynedd Joint Local Development Plan and Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside (September 2019).

This page is intentionally left blank

Planning Committee: 03/11/2021

10.1

Application Reference: VAR/2021/70

Applicant: Mr. Peter Ball

Description: Application under Section 73A for the variation of condition (08) (Approved plans) of planning permission reference 20C85F/DA (Erection of a dwelling) so as to allow amendments to the design at

Site Address: Plot adjacent to Bron Wylfa, Cemaes



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 proposal is contrary to policies of the Joint Local Development Plan which the Local Planning Authority is minded to approve.

Proposal and Site

The application site is located in the open countryside, on the outskirts of the Local Service Centre of Cemaes.

The application is submitted to vary conditions of previous safeguarded permission so as to allow for amendments to the design of the dwelling.

Key Issues

The key issue is whether or not the proposed amendments are acceptable.

A fallback position exists (extant consent) however, the subsequent change in policy following the adoption of the Joint Local Development Plan (JLDP) is a material factor which must be taken into account.

Policies

Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 2: Infrastructure and Developer Contributions
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
Strategic Policy PS 17: Settlement Strategy
Strategic Policy PS 1: Welsh Language and Culture
Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy TRA 2: Parking Standards
Policy TRA 4: Managing Transport Impacts
Planning Policy Wales (Edition 11, February 2021)
Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
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 Richard Griffiths	No response at the time of writing the report.
Cynghorydd Aled Morris Jones	No response at the time of writing the report.
Cynghorydd Richard Owain Jones	No response at the time of writing report.
Cyngor Cymuned Llanbadrig Community Council	No response at the time of writing report.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing report.
Ymgynghoriadau Cynllunio YGC	No comments.
Dwr Cymru Welsh Water	No comments, subject to any drainage related conditions being included in any new consent granted.

The application was afforded three means of publicity; these were by the posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 22/10/2021.

At the time of writing the report, no representations had been received at the Department following the publicity period.

Relevant Planning History

20C85 - Codi annedd ar / Erection of a dwellinghouse on O.S enclosure number 0811 ger Pentregof, Cemaes - Caniatáu/Granted -04.04.1990 / S106 - 09.03.1990

20C85A - Codi annedd a modurdy ar ran o / Erection of a house and garage on part of O.S 0811 ger/near Pentregof, Cemaes - Gwrthod/Refused - 03.08.1993 - Gwrthod apel/Appeal Dismissed - 29.12.1993

20C85B - Diwygio amod (02) ar ganiatad cynllunio 20C85 er mwyn ymestyn yr amser a ganiateir i gyflwyno cais 'reserved matters' o 3.4.93 i 1.2.95 ar / Amendment to condition (02) of permission 20C85 so as to increase the time limit for submission of 'reserved matters' application from 3.4.93 to 1.2.95 at O.S 0811 ger/near Pentregof, Cemaes - Gwrthod/Refused - 09.12.1994 - Gwrthod Apel/Appeal Dismissed - 11.10.1995

20C85C - Cais amlinellol ar gyfer codi byngalo ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a bungalow together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 02.10.2003

20C85D - Cais amlinellol ar gyfer codi byngalo ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a bungalow together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 08.01.2004

20C85E - Cais amlinellol ar gyfer codi annedd ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a dwelling together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 08.04.2005

20C85F/DA - Manylion llawn ar gyfer codi annedd ynghyd a chreu mynedfa newydd i gerbydau ar blot ger / Detailed plans for the erection of a dwelling together with the construction of a new vehicular access on plot adjoining Bron Wylfa, Cemaes - Granted 15.08.2005

20C85G/DIS - Rhyddhau amod (05) (llechan to) o ganiatad cynllunio 20C85E ar dir ger/ Discharge of condition (05) (slate roof) from planning permission 20C85E on land adjacent to Bron Wylfa, Cemaes - Rhyddhau amod/Condition discharged 18.11.2014

Main Planning Considerations

The principle of a dwelling has already been established in this location under planning permissions 20C85E and 20C85F/DA. The planning permission is safeguarded by virtue of the fact that the development has been commenced and is therefore extant.

However, since the development site is outside the development boundary and therefore in the open countryside and where any new dwelling must therefore accord with Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities and which requires there to be a proven need for a 'rural enterprise dwelling'.

The application is made under Section 73A and relates to an approved open market dwelling house and is therefore contrary to development plan policies.

However, as the application has extant consent, the following must be considered:

- Is there a likelihood that the existing planning permission can be implemented.
- Are the amendments to the permission an improvement to that previously approved.

The permission has been implemented and it is therefore a question of whether the proposed amendment represents an improvement to the scheme previously approved.

The proposed amendment is the addition of a sun room to the Eastern elevation of the dwelling. The proposed sunroom is considered to be acceptable in terms of design and it is not considered that the proposed sun room will have an unacceptable impact upon the character and appearance of the area or upon the amenities of neighbouring properties.

The proposed amendment is therefore considered to be acceptable and represents an overall improvement to the previously approved plans.

Conclusion

The application is contrary to policy PS17 of the JLDP and the provisions of Technical Advice Note 6: Planning for Sustainable Rural Communities JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which has been implemented.

The proposed amended design is considered to be acceptable and an overall improvement to the scheme previously approved and it is not considered that the development will have an unacceptable impact upon the character and appearance of the area or the amenities of neighbouring properties.

Recommendation

That the application is permitted subject to the following conditions:

(01) The access shall be laid out and constructed strictly in accordance with the submitted plan ref A2/0J/2 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.

(02) 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.

(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 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 car parking accommodation shall be completed in full accordance with the details as shown on drawing reference A2/0J/2 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.

(05) The turning space for vehicles shall be completed in accord with the details shown on drawing ref A2/0J/2 before the use hereby permitted is commenced.

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.

(06) 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.

(07) 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.

(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:

- **Location and Block Plans: A2/0J/2 received on 14/09/2021**
- **East Elevation received on 14/09/2021**
- **South and North Elevations received on 14/09/2021**
- **Proposed Floor Plan received on 14/09/2021**
- **Proposed Elevations approved under planning permission ref 20C85F/DA**

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, PS2, PS4, PS5, PS17, PCYFF1, PCYFF2, PCYFF3, PCYFF4, TRA2, TRA4.

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: 03/11/2021

11.1

Application Reference: HHP/2021/315

Applicant: Mr. & Mrs. R Williams

Description: Full application for alterations and extensions together with the demolition of the existing garage at

Site Address: 37 Penlon, Menai Bridge



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

Recommendation: Permit

Reason for Reporting to Committee

The applicant is a 'relevant officer' as defined within paragraph 4.6.10 of the Constitution.

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

Proposal and Site

The dwelling is a detached dormer bungalow situated on a private residential estate. The proposal entails the construction of a single storey extension on the side and rear elevations of the existing dwelling, together with the demolition of the existing single storey flat roof garage.

Key Issues

The key issues of the proposal are considered to be the following:

- Design
- Affect on neighbouring amenities

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Technical Advice Note 12: Design (2016)
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)
Planning Policy Wales (11th Edition)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Alun Wyn Mummery	No response
Cyngor Tref Porthaethwy / Menai Bridge Town Council	No Objection
Cynghorydd Meirion Jones	No response

The proposal has been advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 14/10/2021. At the time of writing this report, no letter of representation had been received at the department.

Relevant Planning History

No planning history on the site.

Main Planning Considerations

The dwelling is a detached dormer bungalow situated on a private residential estate. The proposal entails the construction of a single storey extension on the side and rear elevations of the existing dwelling, together with the demolition of the existing single storey flat roof garage.

The existing garage will be demolished in lieu of a new single storey side and rear extension with pitch roof which will form a new kitchen and family room. It is considered that this is a modest extension in terms of its size, scale and massing which measures 7.3 meters x 4.8 meters

The newly formed extension will not overlook the neighbouring properties due to the existing mature shrubbery which are located along the boundary of the site between this dwelling and the adjoining properties

The scale of the proposed extension, is modest in size and the applicant has sufficient land to accommodate the proposed scheme without resulting in the over-development of the site. The proposed design and materials are also acceptable and are of a high quality. It is not considered that the proposed extension would unacceptably impact any neighbouring properties.

It is considered that the proposed scheme would be of a high quality design, which would complement and enhance the current dwelling and would not give rise to unacceptable impacts upon the amenities of neighbouring properties to such a degree to warrant a refusal.

The extension which is to be positioned along the side elevation is sited approximately a metre away from the boundary, which does not comply with the recommended 2.5m set out in the Supplementary Planning Guidance design guide. It must however be considered that the side elevation of the proposal will be positioned further away from the boundary than the wall of the existing garage which is proposed for demolition as part of the scheme. Whilst consideration has been given to the guidance provided within the SPG it is considered that the proximity in this instance is considered acceptable as it allows for an improvement to the situation as it currently exists on site.

Having re-viewed other householder proposals in this area, it does not appear that the scale and design of the proposal is uncommon in the context of local character and it is not considered that the scheme would introduce any new architectural features contrary to the existing appearance of the street. It is considered that the design of the proposal fits in with the immediate area in terms of scale and design.

Due to the above, it is considered that the proposal complies with policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan which states proposals will be supported providing they are not to the detriment of the amenities of the neighbouring properties.

The extensions will be located to the rear and side of the property and the parts visible from the front elevation will not appear incongruous with the form of the existing dwelling or the other dwellings in the area. Policy PCYFF 3 is therefore considered to be complied with.

The decision 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 WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG 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 WBFG Act

Conclusion

The proposal is considered to align with the aims and objectives of the joint local development plan policies and there are no other material considerations that would indicate a refusal is warranted.

Recommendation

That the application is permitted subject to the following conditions:

(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).01

(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 - A-00-01 - 21/09/2021**
- **Proposed Plan - A-03-01**

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: PCYFF2 ,PCYFF3,PCYFF4

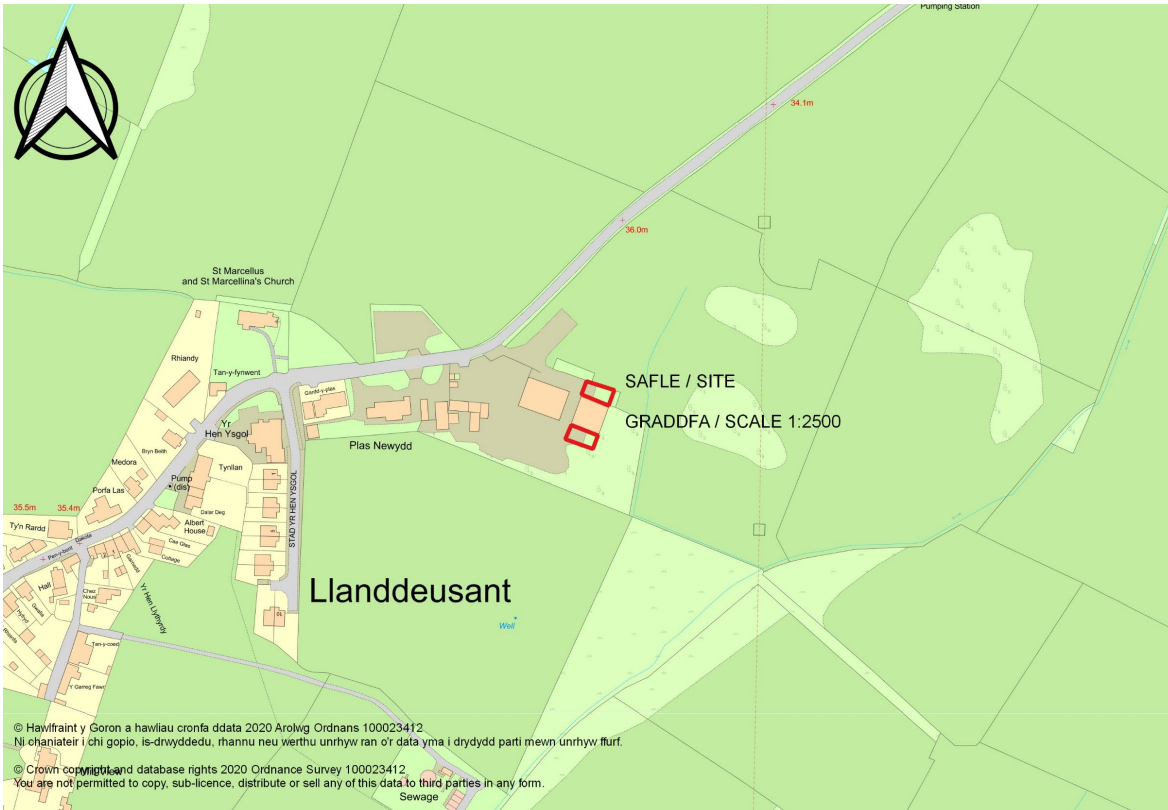
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2021/227

Applicant: A E Owen

Description: Full application for a covered manure store and roof over existing yard at

Site Address: Plas Newydd, Llanddeusant



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

Recommendation: Permit

Reason for Reporting to Committee

The applicant is related to a 'relevant officer' as defined within paragraph 4.6.10.2 of the Constitution.

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

Proposal and Site

The proposal is for the erection of a covered manure store and roof over the existing yard at Plas Newydd, Llanddeusant.

Key Issues

The key issue is whether the proposal complies with relevant local and national policies whilst also considering ecological and amenity considerations.

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
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy AMG5: Local Biodiversity Conservation

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Response to Consultation and Publicity

Consultee	Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments
Iechyd yr Amgylchedd / Environmental Health	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Cynghorydd Llinos Medi Huws	No response
Cynghorydd Kenneth P. Hughes	No response
Cynghorydd John Griffith	No response
Cyngor Cymuned Tref Alaw Community Council	No response

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 23/09/2021. At the time of writing this report, no comments had been received at the department.

Relevant Planning History

47C134 – Application to determine whether prior approval is required for the erection of agricultural sheds for the housing of livestock on land at Plas Newydd, Llanddeusant – Prior Approval not required – 19/12/12

Main Planning Considerations

This proposal is to improve the existing manure management system on the farm to conform with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The structure is not to accommodate an increase in stock numbers. The current stock is 120 cows (50 Beef, 30 Stores and 40 Young stock).

Policy PCYFF 1 of the JLDP states that outside the development boundaries development will be resisted unless it is in accordance with specific policies of this Plan or national planning policies or that the proposal demonstrates that a countryside location is essential.

The application site is located in the open countryside outside any defined development boundary, however the application site is an existing established agricultural farm. The nature of the development is such that a countryside location is essential and as such the proposal is considered to accord with the provisions of policy PCYFF 1 of the JLDP.

Policy PCYFF 2 of the JLDP requires that proposals demonstrate compliance with relevant Plan policies and national planning policy and guidance.

Policy PCYFF 3 of the Plan states that all proposals will be expected to demonstrate a 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, including extensions and alterations to existing buildings and structures will only be permitted provided they conform to the relevant policy criteria:

1. it complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.
3. it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate in line with policy PCYFF4.

Given the context of other buildings and existing uses, it is not considered that the proposal would give rise to an unacceptable visual effect in the local landscape. The proposal involves the erection of a bund and landscaping to the rear of the shed.

With the above in mind, it would be compliant with relevant landscape and visual criteria from PCYFF 3 and PCYFF4.

Conclusion

For the reasons set out above, the proposal is considered to be acceptable in terms of siting and design and it is not considered to have detrimental impact upon the character and appearance of the area or upon the amenities of nearby residential occupiers. The proposal is required to ensure the manure store conforms with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

Natural Resources Wales are supportive of the application provided the structure is designed and built by a suitably qualified engineer to meet the standards set in the Regulations and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading).

Recommendation

That the application is permitted subject to the following conditions:

(01) The development shall begin no 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.

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

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

(03) 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 – 998614/01 Rev A**
- **Proposed Block Plan and Plans – 998614/02 Rev A**

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, PS19, AMG5.

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: 03/11/2021

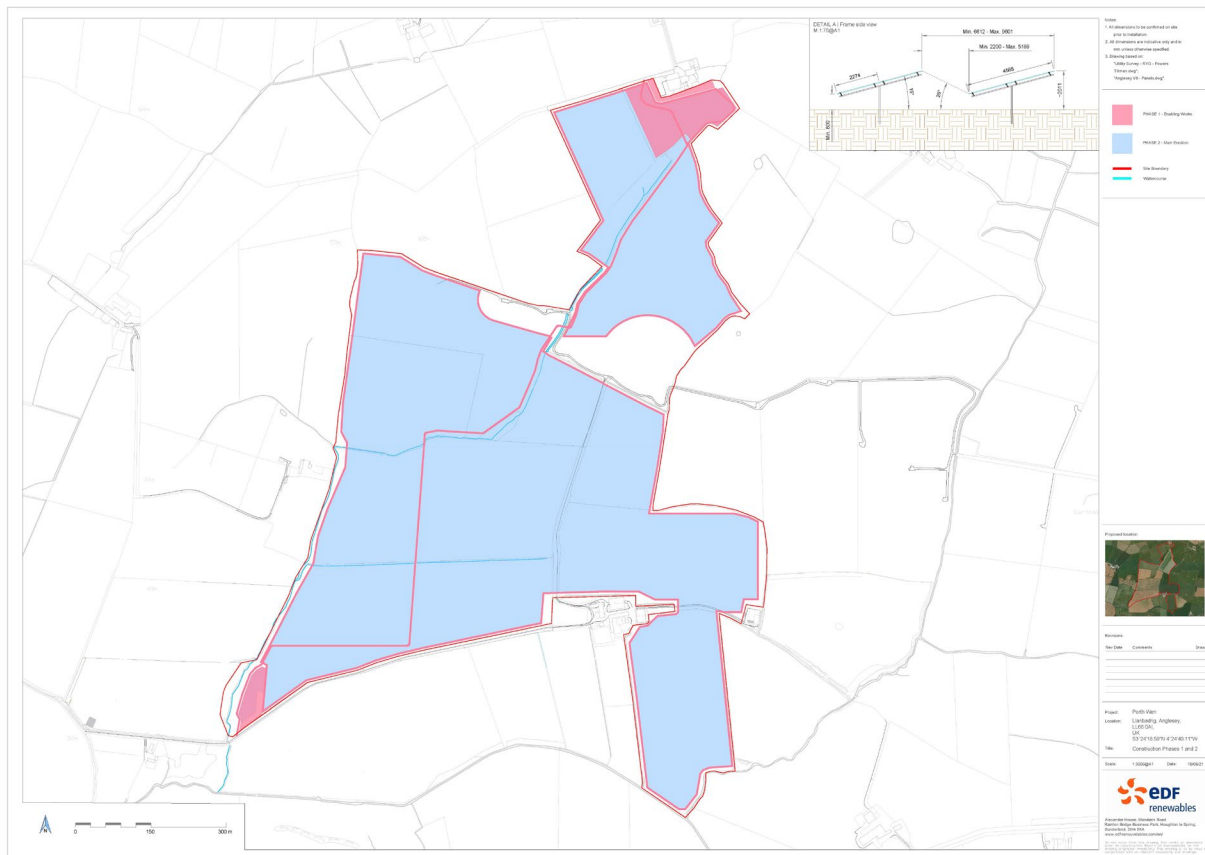
12.1

Application Reference: MAO/2021/26

Applicant: EDF Renewables

Description: Minor amendments to the scheme previously approved under planning permission 20C310B/EIA/RE (full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works) at Rhyd y Groes, Rhosgoch so as to amend the wording of conditions 5, 6, and 11 to allow the development to take place in two phases (phase 1 – enabling works and phase 2 – installation of panels) at

Site Address: Porth Wen Solar Farm, Cemaes



Report of Head of Regulation and Economic Development Service (Angharad Crump)

Recommendation: Permit

Reason for Reporting to Committee

Application reference 20C310B/EIA/RE was accompanied by an Environmental Impact Assessment (EIA). The application was approved by Members of the Planning Committee on the 6th December 2017 in accordance with the Officers Report and subject to the conditions set out in the written report together with delegated powers to the Head of Planning Services to add, amend and delete conditions as necessary.

This application seeks consent to make minor amendments to that approved scheme in order to enable the works to commence in a phased manner – phase 1 works which would involve enabling works and phase 2 which would involve the deployment of solar panels and associated works and equipment). In order to permit the development to be a two phased development, amendments are required to conditions 05, 06 and 11 of the planning consent.

As the application seeks consent to vary conditions attached to an EIA development the application is reported to the Planning Committee as required by the Council's constitution.

Main Planning Considerations

Planning permission reference 20C310B/EIA/RE dated 09th March 2018 permits the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works on land adjacent to Rhyd y Groes, Rhosgoch.

EDF Renewables have acquired the consented project from Countryside Renewables and are now seeking to implement the permission to allow the farm to become operational by the end of 2022. The Solar Farm is now referred to by EDF as Porth Wen Solar Farm.

A total of 18 conditions are attached to the consent with some requiring the approval of details prior to commencement of the development.

EDF Renewables (the applicant) is seeking consent to make minor amendments to the approved scheme in order to allow the development to take place in two phases.

Phase 1 would involve the following enabling works and would take place towards the end of this year (subject to permission being given and subsequent discharge of phase 1 conditions);

- Mobilisation and site access enabling works;
- Site establishment, logistics and welfare;
- Temporary works, including site compound;
- Vegetation clearance with an Ecological Watching Brief;
- Offsite road improvements;
- Installation of perimeter fencing and gates where appropriate
- Construction of onsite tracks;
- Construction of culverts / cable crossings;
- Earthworks comprising cut and fill;
- Environmental monitoring and control; and
- Earthworks at the substation area;
- Site restoration and demobilisation; and
- Implementation of landscaped earth bund (mitigation for visual impact at Buarth y Foel).

Phase 2 would involve deployment of solar panels and associated works and equipment and is anticipated to commence in the new year.

Included as part of the Phase 1 enabling works are the installation of the perimeter fence and implementation of the landscaping earth bund that will provide mitigation for the visual impact at Buarth y Foel). Conditions 8 and 12 respectively attached to the consent requires the approval of these details. The Council has received this information separately and is currently assessing and consulting with regards to the information received.

In order to permit the development to be a two phased development, amendments are required to conditions 05, 06 and 11 of the planning consent.

- Condition 05 of the planning permission confirms that the development hereby permitted by the planning permission shall be carried out in accordance with the listed approved plans. The application requests that the Phasing Plan is added to the list of approved plans in order to allow a two phased development,
- Condition 06 of the planning permission lists those details that requires approval prior to commencement of the development. The application requests that this conditions is amended to allow for the approval of details in two phases – the details required to prior to implement phase 1 of the development and followed by the details required prior to the implementation of phase 2 of the development.
- Condition 11 of the planning permission requires the approval of a Construction Environmental Management Plan (CEMP) (with a full Construction Traffic Management Plan (CTMP) prior to commencement of the development. The application requests that this condition is amended to allow the submission for approval of a CEMP (and CTMP) for Phase 1 followed by a CEMP (and CTMP) for Phase 2.

Section 96A of the Town and Country Planning Act 1990 (as amended) provides power for local Planning Authorities to make non-material changes to Planning permission relating to land in their area if they are satisfied that the change is not material. The power conferred by the Act includes power to impose, remove or alter conditions.

The Welsh Government issued a Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission in July 2014 which intended to assist Local Planning Authorities and applicants in dealing with such applications.

The Guidance confirms that in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. The guidance goes on to state that in determining whether or not a proposed change would qualify as a non material amendment, local planning authorities may wish to consider the following tests;

- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- (b) would the interests of any third party or body be disadvantaged in planning terms; or,
- (c) would the proposed change conflict with national or development plan policies?

Following assessment of the application officers are satisfied that the amendments proposed to the consent to allow the approved development to take place in a phased approach are non-material in light of the above referred to test;

- the proposed changes will not alter the predicted impacts in the original Environmental Statement which accompanied planning permission 20C310B/EIA/RE and on this basis will not result in any material changes to the approved scheme
- the implementation of the scheme in phases should not result in a detrimental impact either visually, or in terms of local amenity.
- A phased implementation of the scheme would not appear to disadvantage the interests of any third party or body in planning terms as the scheme is not changing.
- The proposed change would also not conflict with national or development plan policies because, again, the approved development schemes scale and nature, is not altering, only the manner in which it is to be delivered.

Provided as a background paper in Appendix A is a copy of the committee report for application reference 20C310B/EIA/RE.

Conclusion

To conclude this application seeks consent to make minor amendments to the scheme approved under planning permission reference 20C310B/EIA/RE which would allow the project to be undertaken in a phased manner – phase 1 works which would involve enabling works and phase 2 which would involve the deployment of solar panels and associated works and equipment). In order to permit the development to be a two phased development, amendments are required to conditions 05, 06 and 11 of the planning consent.

As confirmed in this report, following assessment of the application officers are satisfied that the amendments proposed to the consent to allow the approved development to take place in a phased approach are non-material.

Recommendation

That the application is permitted subject to the following conditions:

(05) The development hereby permitted shall be carried out in accordance with the following approved plans:

- North Anglesey Solar Project – Application Site Boundary (Ref: BGVA/CRC/NASP/RL3);
- Landscape and Mitigation Strategy (Reference: 15035.101 Rev.I);
- Ecological Enhancement Management Plan (Adonis Ecology 23 February 2016) as amended by condition 4;
- Ref: Frames 01 (17.11.15);
- Ref: Track 1 (17.11.15);
- Noise mitigation fence details (NASP AF002);
- Phasing Plan (Ref: Porth Wen 14-09-21 Construction Phases 1 and 2 Zones)

Reason: for the avoidance of doubt

(6a) Notwithstanding the requirements of condition (05), prior to the commencement of the proposed Phase 1 works (defined by Phasing Plan (Ref: Porth Wen 14-09-21 Construction Phases 1 and 2 Zones)), details of the location, construction and reinstatement of site / storage compound details shall be submitted to and approved in writing by the local planning authority.

(6b) Notwithstanding the requirements of condition (05), prior to the installation of the solar panels and associated infrastructure (the Phase 2 works as defined by Phasing Plan (Ref: Porth Wen 14-09-21 Construction Phases 1 and 2 Zones))

- The final site layout plan;
- Panel, frame and inverter substation details;
- Noise mitigation fence details; and
- Lighting and their supporting structure details.

Shall be submitted to and approved in writing by the local planning authority. The layout of the site shall be informed by the Indicative Site Layout NASP ILP V4 – 280917), the Noise Assessment Report – Rev.3 (Ref: CA11275) (prepared by Wardell Armstrong) and the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016). Notwithstanding the said Ecological Enhancement Management Plan, no development shall be located within 7m of any watercourse and any fencing shall be placed a minimum of 20cm above ground level for 5m lengths at field corners. The development shall be carried out in accordance with the details approved under this condition and the site shall be managed in accordance with the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016) for the lifetime of the development.

Reason: To define scope of permission and to safeguard protected species and mitigate the impacts of the Development.

(11) Prior to the commencement of any phase of works defined by the Phasing Plan (Ref: Porth Wen 14-09-21 Construction Phases 1 and 2 Zones), a Construction Environmental Management Plan (including a full Construction Traffic Management Plan) for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following matters where relevant to that phase:

- A full signage schedule for the construction traffic, pedestrians and other users of the site;
- Hours and days of operation during construction and the management and operation of construction and delivery vehicles;
- The parking of vehicles for site operative and visitors;
- The loading and unloading of plant and materials;
- The means of access for construction traffic;
- Details of the location, design and implementation of two additional passing bays for construction traffic;
- Piling methods (if employed);
- Earthworks;
- Hoardings to the site;
- 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 / wheel washing facilities;
- Protection of the amenities of nearby residential occupiers;
- The storage of plant and materials used in constructing the development and hazardous material storage and removal;
- A system for the management of complaints from local residents;
- Emergency containment procedures;
- Reasonable avoidance measures for water voles;
- Details of traffic management measures in relation to existing users of the access route to the site to ensure the impact is minimised.

The approved Construction Environmental Management Plan (and Construction Traffic Management Plan) for each phase shall be implemented for the relevant phase accordingly and adhered to for the duration of the construction of that phase of the development.

Reason: In the interests of traffic and road safety.

It is confirmed that all the other conditions attached to planning permission reference 20C310B/EIA/RE will remain as they are.

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.

Gweddill y Ceisiadau

Remainder Applications

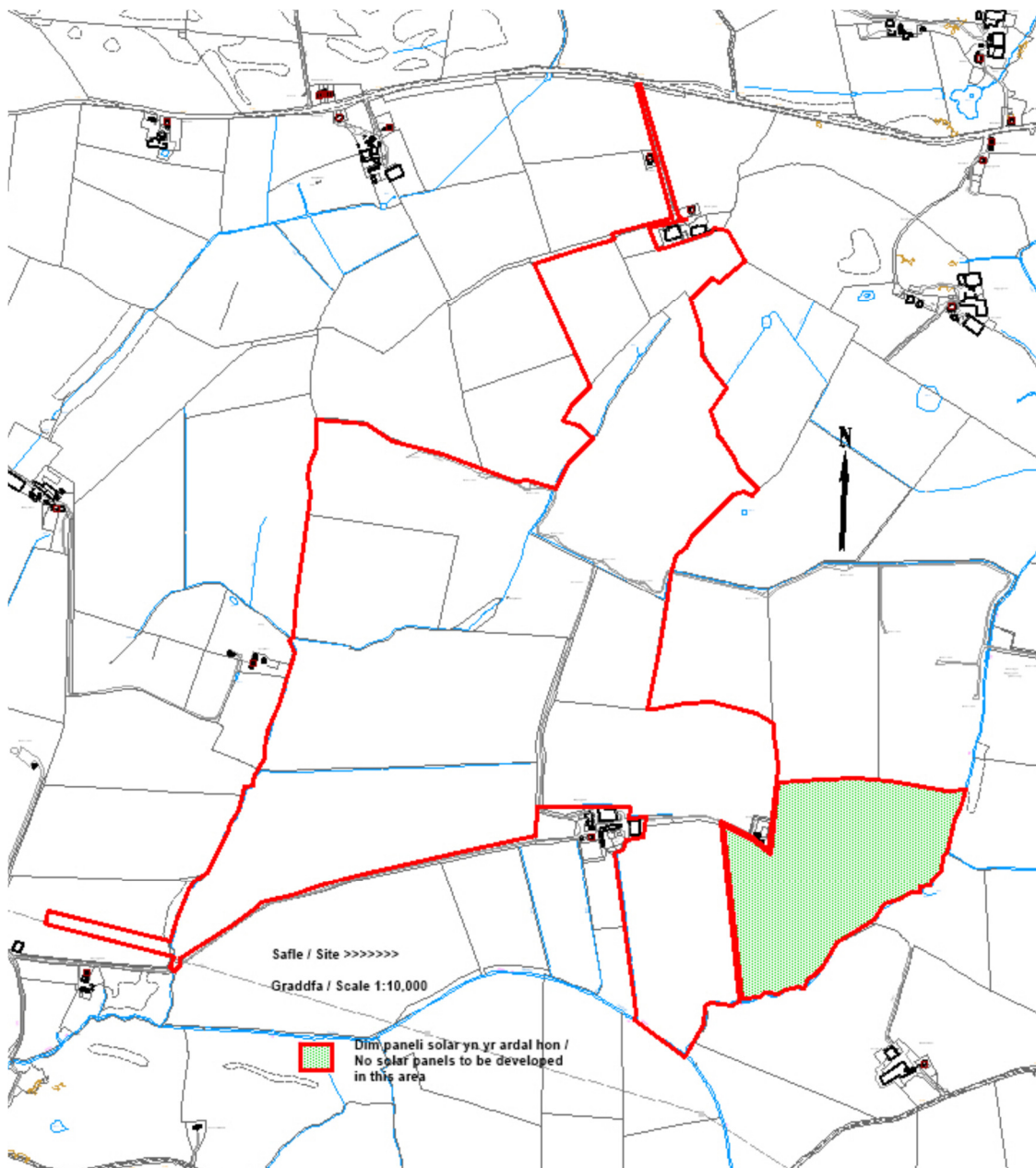
Rhif y Cais: **20C310B/EIA/RE** Application Number

Ymgeisydd Applicant

Countryside Renewables (North Anglesey) Ltd

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

Rhyd y Groes, Rhosgoch



Planning Committee: 06/12/2017

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

Recommendation:

Permit Subject to Conditions

Reason for Reporting to Committee:

At its meeting held on the 8th November, 2017 the Committee resolved to refuse the application contrary to officer recommendation on the basis that the proposal does not constitute an exception sufficient to allow departure from policy ADN 2 of the Joint Local Development Plan (Anglesey and Gwynedd), July 2017.

Given the above, this report specifically addresses the Committee's concerns that the proposal represents a departure from policy ADN 2 and that it is not sufficient to allow for a departure from the adopted policy.

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

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

Paragraph 4.6.12.2 requires that;

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

Conclusions:

Site Selection

As advised within the report to Committee on 08/11/2017, Policy ADN 2 (PV Solar Energy) aims to ensure that proposals for Solar PV Farms of 5MW or more should be directed to the potential search areas shown on the Proposals Map. Proposals of this scale will only be permitted in other locations in exceptional circumstances when the need for a scheme can be justified and there are specific locational circumstances.

In assessing the proposed development against policy ADN 2, Officer's consulted with the Joint Planning Policy Unit (JPPU) for Anglesey and Gwynedd. Within their comments, the JPPU provided comments on the potential search area and the specific locational circumstances in regard to how the application site was selected; which followed from the applicant's submission of two reports:

- a) Assessment of Potential of JLDP Opportunity Areas; and
- b) Overview of Site Selection Process.

In respect of a), this document shows the current level of constraint various potential opportunity areas face. Of the 10 potential opportunity areas identified 9 were discounted for a variety of

environmental reasons (proximity to residential properties, tree felling, local impacts), or for grid connection constraints (where it was either unlikely that a grid connection could be ensured or it was identified as cost-prohibitive to secure the connection owing to the distances involved), or for an unwillingness of landowners, or a combination of all of the above. Notably the proposed application site is identified within the table where the constraints negatively affecting the other sites do not apply. Here it is outlined that a grid connection on the site is secured, the landowner is willing of the development and the site is located within a more remote rural location free of built-up areas where environmental impacts could be deemed to be more significant.

Paragraph 6.2.35 of the JLDP provides explanation of the Plan's assessment of the potential for solar PV farms and the identification of potential areas of search. It goes on to state:

“As search areas, the identified areas provide an indication of solar energy resources within the Plan area as opposed to specific safeguarded areas. The search areas have been identified by mapping solar energy resources...and by removing significant constraints to solar energy development. The Study identified 11 possible areas. Due to landscape sensitivity and capacity issues some of these potential areas may only be able to achieve 5MW or more through 2 or more separate schemes subject to consideration of any potential cumulative impact.”

In this statement, the JLDP acknowledges that within the identified areas, there is not a certainty for delivery and within Paragraph 6.2.36 goes on to advise that applicants will require to undertake further refinement to identify specific opportunities for detailed development proposals. Based on this explanation, the applicant's assessment of opportunity areas does consider the identified areas where it is found that 8 of them (S1, S3, S4, S4, S6, S7, S9 and S11) have factors which would prohibit a viable direct grid connection. The remainder (S2, S8 and S10) have factors which would prohibit a viable local grid connection.

Notably, the applicant's statement also highlights an area which the JLDP was unable to take into account in the production of the Potential Opportunity Areas and this is the willingness of landowners. This is important as it does have a crucial impact on viability.

In considering the applicant's Assessment of Potential of JLDP Opportunity Areas, the JPPU advises that the applicant has shown that at present there are infrastructure constraints affecting the potential opportunity areas and this, along with ownership issues, could affect the availability and viability of these opportunity areas.

In respect of b), this provides an overview of the systematic site selection process used to identify the application site as suitable for the development of large scale solar PV. This process included a grid review, a designation review, an agricultural land classification review, a review of scale, consideration of distance from built up and residential areas, and landowner agreement. Through this selection process, the proposed application site was the only site on Anglesey which:

- optimised renewable energy generation;
- had a viable grid connection
- was in a remote rural location; and
- had a willing landowner.

The JPPU advise that this document provides evidence to support the specific locational circumstances which have led to the identification of the site as a solar PV farm site.

It should be noted that the issue of need is addressed within the previous report to Committee where it has been considered by Officers that the toolkit identified within Planning Policy Wales (PPW) should not be misconstrued as a limit, nor a definition of local need and that it would not be appropriate to assess an application for renewable energy in this regard.

The critical matter in the assessment of this application against policy AND 2 is that the policy does not prevent development outside of search areas but sets out that exceptional circumstances must exist when the needs for the scheme can be justified and there are specific locational circumstances. In this case, it is considered that exceptional circumstances have been presented

to the planning authority which allows for development outwith the Potential Opportunity Areas and as such that the scheme is considered compatible with the first part of Policy ADN 2.

Detailed Considerations

Following on from site selection, policy ADN 2 requires that proposals for Solar PV Farms of 5MW or more and other solar schemes of up to 5MW will be permitted provided that the proposal conforms to the following criteria:

1. All impacts on landscape character, heritage assets and natural resources have been adequately mitigated, ensuring that the special qualities of all locally, nationally and internationally important landscape, biodiversity and heritage designations, including, where appropriate, their settings are conserved or enhanced;
2. The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;
3. The proposal will not result in significant harm to the residential visual amenities of nearby residents;
4. The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features;
5. The panels and associated infrastructure will, at the end of the operational life of the facility, be removed in accordance with a restoration and aftercare scheme submitted to and agreed by the Local Planning Authority.
6. That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.

With regard to the second part of the policy, and based on the information provided above, the content of the submitted ES and its supporting reports and the comments from the consultees it is considered that the site meets the requirements of criteria 1 – 6 of the policy and will not give rise to significant impacts on landscape character, heritage assets and natural resources. Nor will development proposal result in significant harm to amenity of sensitive receptors or nearby residents.

Additionally, there are no existing solar PV farms within the locale which would result in a cumulative impact and the applicant has confirmed that the panels and infrastructure will be removed following the end of the operational life of the solar farm.

In respect of the requirements of a CEMP it is appropriate to condition this element.

Legal Opinion

Following the Committee's resolve to refuse the application contrary to officer recommendation, the applicant has sought an independent legal opinion on this decision, and specifically on whether the proposal complies with policy ADN 2. This legal opinion has been provided by the solicitors at Gately Plc and finds that the planning application is in accordance with the policy and "the reason for refusal is not justified and would not be sustainable on appeal". The opinion specifically states:

"...Policy ADN2 is clearly a policy which is supportive of the principle of photo-voltaic solar energy generation in the round. Its starting point is to identify potential search areas which have been illustrated on the proposals map. It is important to note that these are areas of search and they are not allocations. In particular they are subject to the six development control criteria in the latter half of the policy in the same way as is an application which is not within any of those potential search areas. The policy states that planning proposals "should be directed" to those potential areas of search; it does not state that proposals "must be directed" to those potential areas of search, nor does it establish any form of sequential test whereby those potential search areas have to be assessed and discounted before any other site can be looked at.

The important distinction between proposals which are within the potential search areas and proposals which are outwith those search areas is that the former do not have to be tested in

accordance with the second sentence of Policy ADN2. Policy ADN2 applies only to those proposals which are brought forward in other locations than the potential search areas. Both types of proposal have to satisfy the criteria 1-6 in the latter half of the policy.

The second sentence of the first paragraph of Policy ADN2 establishes a permissive policy in respect of proposals for PV solar energy in locations outside the potential search area. Those proposals will be permitted in the exceptional circumstances set out within the sentence. There is no need to seek to define what exceptional circumstances means because the policy defines the exceptional circumstances by way of establishing two tests:

need for the scheme can be justified; and
that there are specific locational circumstances

A proper objective reading of the policy is that if both of those tests are satisfied then that element of the policy is satisfied and a proposal outside of those search areas then moves on to be assessed against the detailed development control criteria 1-6 in the second half of the policy.”

The opinion then goes on to conclude:

“The correct approach to the interpretation of Policy ADN2 is that if need and locational requirements are satisfied on a site which is outside of the proposed areas of search then exceptional circumstances exist and there is positive support for development on the site provided that it satisfies the detailed development control criteria 1-6 in the second half of Policy ADN2.

In this instance the need and locational requirements are satisfied as are the detailed development control criteria 1-6 and therefore the development accords with Policy ADN2.

It is not suggested that there is any other element of non-compliance with the Development Plan and therefore, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Here the Development Plan indicates that planning permission should be granted and all other material considerations, particularly the weighty support given for renewable energy generation at a national policy level, support the granting of consent on a site which is sustainable and deliverable.

It follows that there is no basis to refuse the application and the reason for refusal is not defensible on appeal.”

On review of the applicant’s submitted legal opinion by Officers, it is considered that this underlines the recommendation of the previous report to Committee and members are advised to give due consideration to this opinion alongside the more detailed outline of policy ADN 2 in reaching their final decision on this application.

8. Recommendation

Based on the foregoing information, it is recommended that the Committee respectfully reconsider their previous position and resolve to **permit** the application as per the findings within this report and within the Officer’s original report to Committee of 08 November 2017.

Permit, subject to conditions listed below with authority delegated to the Head of Planning to add, amend or delete conditions as necessary.

(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) This permission shall expire no later than 30 years from the Operational Date. Within 12 months of the expiration of the permission, all elements of the development at and above

ground level shall be removed and the land restored in accordance with a written scheme and timetable for restoration which shall be submitted to and approved in writing by the local planning authority prior to these works being carried out. The restoration of the site shall be completed in accordance with the agreed details.

Reason: To define the scope of the permission and to ensure a satisfactory appearance upon cessation of the development.

(03) The development hereby permitted shall be carried out in accordance with the following approved plans:

North Anglesey Solar Project – RL2 (090217) Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)

'Indicative Layout Plan (14 Feb 17)';

'Landscape & Mitigation Strategy' (Ref: 15035.101 Rev.H);

Ecological Enhancement Management Plan (Adonis Ecology 23 February 2016) as amended by condition 04;

'Ref: FRAMES 01' (17.11.15);

'Ref: TRACK 1' (17.11.15)

unless otherwise required to be approved under the terms of this permission and as thence permitted.

Reason: For the avoidance of doubt.

(04) Notwithstanding the requirements of condition (02), prior to the commencement of the development final details of the layout of the site, including

panel details;

CCTV cameras and their supporting structures;

Lighting and their supporting structures;

Fencing;

The location, construction and reinstatement of site / storage compounds;

shall be submitted to and approved in writing by the Local Planning Authority. The layout of the site shall be informed by the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016). Notwithstanding the said Ecological Enhancement Management Plan, no development shall be located within 10m of any watercourse and any fencing shall be placed a minimum of 30cm above ground level for 5m lengths at field corners. The development shall be carried out in accordance with the details approved under this condition and the site shall be managed in accordance with the Ecological Enhancement and Management Plan for Proposed North Anglesey Solar Project (Adonis Ecology project no.9736 dated 23rd February 2016) for the lifetime of the development.

Reason: To define scope of permission and to safeguard protected species and mitigate the impacts of the development.

(05) During operation, the site shall not be illuminated by artificial lighting during hours of darkness.

Reason: To ensure that the development does not have a detrimental impact on the character of the locality and to safeguard protected species.

(06) No development shall take place until details of the materials to be used in the construction of the external surfaces of the structures comprising the primary substation, inverter stations and battery storage units hereby permitted have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

(07) Prior to the commencement of any works a site-wide Construction Environmental Management Plan (including a full Construction Traffic Management Plan based on the principles established in the draft Construction Traffic Management Statement (Ref: 16028/Rev B) dated February 2017) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:
a full signage schedule for the construction traffic, pedestrians and other users of the site, hours and days of operation during construction and the management and operation of construction and delivery vehicles
the parking of vehicles for site operative and visitors
the loading and unloading of plant and materials
the routes means of access for construction traffic
details of the location, design and implementation of two additional passing bays for construction traffic
Piling methods (if employed)
Earthworks;
Hoardings to the site,
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 / wheel washing facilities;
Protection of the amenities of nearby residential occupiers
the storage of plant and materials used in constructing the development and hazardous material storage and removal.
A system for the management of complaints from local residents
Emergency Containment Procedures;
Reasonable Avoidance Measures for Water Voles.

The approved Construction Environmental Management Plan (and Construction Traffic Management Plan) shall be implemented accordingly and adhered to for the duration of the construction of the development.

Reason: In the interests of traffic and road safety.

(08) No development shall commence until full details of the location, height, length and breadth of the proposed landscaping bund, including cross section drawings and full details of proposed planting works, timing of works and management and maintenance proposals for the lifetime of the development to mitigate visual impacts on the property known as Buarth Y Foel have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter proceed in accordance with the approved details.

Reason: in the interests of residential amenity

(09) The solar panels hereby approved shall at no time exceed 3m in height.

Reason: To define the scope of this permission.

(10) No development shall commence until a scheme for the alleviation of glint and/ or glare from the development at any affected residential property or highway is submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures taken to investigate complaints; the assessment methodology to be used to assess incidence of glint and/or glare at the receptor point; the mitigation timetable and reporting mechanism to demonstrate effective alleviation and adherence to the said scheme. The development shall proceed in accordance with the details as approved.

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

(11A) No development shall commence until the programme of archaeological work set out in the Written Scheme of Investigation dated 4th October 2016 (Document Ref: NAS16 v.1.5) has been implemented and completed.

(11B) A detailed report on the archaeological work set out in the Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork or the completion of the development, whichever is the sooner.

Reasons:

(11A) To ensure the implementation of an appropriate programme of archaeological investigation in accordance with the requirements of Planning Policy Wales 2016 and Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology.

(11B) 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).

(12) No structures shall be included on the fields identified as “No solar panels to be developed in this area” on the approved site boundary plan ‘North Anglesey Solar Project - Application Site Boundary (Ref: BGVA/CRC/NASP/RL3)’; ‘Indicative Layout Plan (14 Feb 17).

Reason: To define the scope of this permission

(13) The date when electricity from the development is first exported to the local electricity grid network, hereafter known as the "Operational Date", shall be notified in writing to the Local Planning Authority within 28 days after its occurrence.

Reason: To define the scope of the permission and establish the commencement date for the 30 year operational life of the solar farm.

(14) If, as a result of events or conditions within its control, and after the operational date, the solar farm hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the local electricity grid network, then, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

Reason: To ensure removal of redundant equipment in the interests of amenity and protection of the local environment.

(15) Notwithstanding the submitted information, the Applicant shall submit in writing a site-wide drainage scheme which has been designed to ensure that no surface water drainage shall be allowed to connect to the public sewerage network. This drainage scheme shall be submitted to, and approved in writing, by the planning authority prior to the commencement of construction works on site.

Reason: To ensure that the drainage layout is sufficient to support the development hereby approved and in the interests of protecting the assets of Welsh Water.

(16) Prior to the commencement of any works which break ground within the site, the applicant shall submit for the written approval of the planning authority a Written Scheme of Investigation in relation to archaeological ground investigation works. This Written Scheme of Investigation shall provide a methodology, a timetable in relation to construction and phasing of the development and any mitigation proposed.

Reason: In the interests of archaeological preservation and to ensure the appropriate construction of the development in relation to archaeological receptors.

This page is intentionally left blank

Planning Committee: 03/11/2021

13.1

Application Reference: FPL/2020/191

Applicant: Alan & Eira Thomas

Description: Full application for the erection of a dwelling together with the construction of a vehicular access on land at

Site Address: Rallt Gwta, Niwbwrch, Llanfairpwllgwyngyll



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

Recommendation: Permit

Reason for Reporting to Committee

The application was approved at the April 2021 planning and orders committee subject to conditions and to the completion of a legal agreement requesting the removal and cessation of uses in connection with an existing caravan and containers of the site.

The caravan and containers were to be removed from the land as part of the permission to ensure that the development would not have an adverse impact upon both residential amenity of properties adjacent to the site, but also the amenities of the winder area and the AONB.

Since the April planning committee, the caravan and containers have been removed from the site. This would therefore eliminate the need for the legal agreement and as such release the decision subject to conditions.

Recommendation

That the application is permitted subject to the following conditions.

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

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the 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 2775:20:01A

Existing Site Plan 2783:20:02a

Proposed Site Plan 2783:20:03c

As Proposed 2783:20:5

Construction Traffic Management Plan Details Russell Hughes Cyf

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

(03) The means of enclosure (including walls and fencing) shown on the plans hereby approved shall be constructed or erected prior to the occupation of the dwelling(s) to which they relate and shall thereafter be retained in the lifetime of the development hereby approved and any replacement means of enclosure shall be to an equivalent specification.

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

(04) No development shall take place until a scheme of landscaping and tree planting for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(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 similar species, size and maturity.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(06) A new pedestrian footway shall be constructed along the whole frontage of the application site adjacent the public highway. No development shall commence until full details of the pedestrian footway have been submitted to and approved by the Local Planning Authority. The pedestrian footway must be completed in accordance with the details which may be approved in writing under the provisions of this planning condition prior to the occupation of the dwelling hereby approved.

Reason To enable safe movement of pedestrians from the development.

(07) 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 the development.

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

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

(09) 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 road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2 metres of the said wall/hedge/fence or any new boundary.

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

(10) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the highway before the use hereby permitted is commenced.

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

(11) 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.

(12) No surface water from the development shall discharge onto the public highway.

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

(13) No development shall commence until a foul water drainage scheme for the development hereby approved has been submitted to and approved in writing by the local planning authority. The foul water drainage scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the details as may be approved under the provisions of this condition prior to the occupation of the development.

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.

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