

# Public Document Pack



CYNGOR SIR  
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Mr Dylan J. Williams  
Prif Weithredwr – Chief Executive  
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<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR CYNLLUNIO A GORCHMYNION</b>	<b>PLANNING AND ORDERS COMMITTEE</b>
<b>DYDD MERCHER, 2 TACHWEDD, 2022 am 1:00 y pnavn</b>	<b>WEDNESDAY, 2 NOVEMBER 2022 at 1.00 pm</b>
<b>SIAMBR Y CYNGOR , SWYDDFEYDD Y CYNGOR, LLANGFNI AC YN RHITHIOL DRWY ZOOM</b>	<b>COUNCIL CHAMBER, COUNCIL OFFICES, LLANGFNI AND VIRTUALLY VIA ZOOM</b>
<b>Swyddog Pwyllgor</b>	<b>Ann Holmes 01248 752518 Committee Officer</b>

## AELODAU / MEMBERS

Cynghorwyr / Councillors:

Geraint Bebb  
Jeff Evans  
Neville Evans (Cadeirydd/Chair)  
Glyn Haynes (Is-gadeirydd/Vice-Chair)  
Trefor LI Hughes MBE  
John I Jones  
R. Llewelyn Jones  
Jackie Lewis  
Dafydd Roberts  
Ken Taylor  
Alwen P Watkin  
Robin Williams  
Liz Wood

***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:-**

Geraint Bebb  
Jeff Evans  
Neville Evans (Cadeirydd/Chair)  
Glyn Haynes (Is-gadeirydd/Vice-Chair)  
Trefor Ll Hughes MBE  
John I Jones  
Robert Ll Jones  
Jackie Lewis  
Dafydd Roberts  
Ken Taylor  
Alwen P Watkin  
Robin Williams  
Liz Wood

**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 of Officer in respect of any item of business.

#### **3 MINUTES OF THE PREVIOUS MEETING\_(Pages 1 - 20)**

To present the minutes of the previous meeting of the Planning and Orders Committee held on 5 October, 2022.

#### **4 SITE VISITS\_(Pages 21 - 22)**

To present the minutes of the virtual planning site visits held on 19 October, 2022.

#### **5 PUBLIC SPEAKING**

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

None to be considered by this meeting.

## **7 APPLICATIONS ARISING\_ (Pages 23 - 40)**

7.1 HHP/2022/46 - Tan Yr Allt Bach, Llanddona

[HHP/2022/46](#)

7.2 VAR/2022/48 - Madryn House, Pen Dref Street, Newborough

[VAR/2022/48](#)

7.3 HHP/2022/171 - Awel Y Bryn, Trigfa, Moelfre

[HHP/2022/171](#)

7.4 FPL/2022/66 – Porth Wen, Llanbadrig

[FPL/2022/66](#)

## **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS**

None to be considered by this meeting.

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

None to be considered by this meeting.

## **12 REMAINDER OF APPLICATIONS\_ (Pages 41 - 96)**

12.1 DIS/2022/68 – Plot 9 (eastern half) Parc Cybi, Holyhead

[DIS/2022/68](#)

12.2 FPL/2022/189 – Bilash, Dew Street, Menai Bridge

[FPL/2022/189](#)

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12.3 FPL/2022/53 – Cae Braenar, Penrhos, Holyhead

FPL/2022/53

12.4 HHP/2022/230 – Dinas Bach, 5 Y Fron, Aberffraw

HHP/2022/230

12.5 VAR/2022/41 - 1 Blue Water Close, Treaddur Bay.

VAR/2022/41

12.6 DIS/2022/63 - Former Roadking Truckstop, Parc Cybi, Holyhead

DIS/2022/63

12.7 FPL/2022/225 – Cae Mawr, Trefor

FPL/2022/225

12.8 FPL/2022/172 – Eirianallt Goch, Carmel

FPL/2022/172

### **13 OTHER MATTERS**

None to be considered by this meeting.

## Planning and Orders Committee

### Minutes of the hybrid meeting held on 5 October 2022

- PRESENT:** Councillor Neville Evans (Chair)  
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint Bebb, Jeff Evans, T LI Hughes MBE, Jackie Lewis, Ken Taylor and Robin Williams.
- Councillor Nicol Roberts – Portfolio Holder for Planning, Public Protection and Climate Change.
- IN ATTENDANCE:** Development Management Manager,  
Group Engineer (Development Control & Traffic Management) (Highways) (AR),  
Planning Officers,  
Legal Services Manager (RJ),  
Committee Officer (MEH).
- APOLOGIES:** Councillor John I Jones, Dafydd Roberts and Alwen Watkin
- Councillor Llinos Medi
- ALSO PRESENT:** Local Members : Councillors A M Jones & Derek Owen (for application 7.1); Paul Ellis (for application 12.4); Carwyn Jones & Alun Roberts (for application 12.6); Margaret M Roberts & Ieuan Williams (for application 12.8).
- Councillor Arfon Wyn  
Mrs Sharon Warnes (Standards Committee) (observer)

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The meeting was adjourned for 15 minutes at 3.30 p.m.

#### 1 APOLOGIES

As noted above.

#### 2 DECLARATION OF INTEREST

Councillor Jackie Lewis declared a personal and prejudicial interest with regard to application 12.8 on the Agenda.

#### 3 MINUTES

The minutes of the meeting held on 7 September, 2022 were confirmed as correct.

#### 4 SITE VISITS

The minutes of the virtual site visits held on 21 September, 2022 were presented and were confirmed as correct.

## **5 PUBLIC SPEAKING**

There were Public Speakers in respect of applications 7.3, 7.4 and 12.2.

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

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

## **7 APPLICATIONS ARISING**

### **7.1 FPL/2022/66 – Full application for the change of use of land into a car parking area at Porth Wen, Llanbadrig**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 7 September, 2022 the Committee resolved that a virtual site visit be undertaken. The virtual site visit subsequently took place on 21 September, 2022.

The Development Management Manager reported that the proposed car park covers an area of approximately 1.2 acres and is located along a single track country land some 0.7km from the main A5025 highway. The site is located in the open countryside in a designated Area of Outstanding Natural Beauty between the settlements of Cemaes and Bull Bay. It is acknowledged that there are existing traffic and parking issues in this area, especially during the summer months, with cars parking on the side of the single track road. During the virtual site visit on 21 September, 2022 the Local Members said that people are parking in this location to join the Coastal Path due to the lack of parking facilities in Cemaes and Bull Bay. He noted that there are links to the Coastal Path near the application site, however, it does not appear to be an obvious or natural location from which to join the Coastal Path and it is the presence of the nearby Porth Wen Brickworks which mainly attracts people to this particular location. Porth Wen Brickworks, however, is located on private property, outside the applicant's ownership, with no public access and where there are known health and safety concerns. He further noted that it is considered that the provision of a car parking facility in this location would likely to lead to an increase in visitors to the area and to the Brickworks in particular. Given these facts, the Local Planning Authority consider that it would be imprudent for the Council to be seen to be encouraging for facilitating trespassing on private property. The Development Management Manager further reported that it is there is no justification for such a large car park that is proposed on this site and it could result in increasing the traffic problems with facilitating access to the site and also there will be nothing to deter campervans etc., to make use of the site due to its size and location. He further said that a further letter was received by the Planning Department by the Agent highlighting the following : damage that the cars are making whilst parking on the side of the road; the need for a car park, due to its location, to the Coastal Path and other local attractions; it is expected that 30 cars will park on site and the rest of the field will be opened as 'overspill' during spring, summer and the beginning of October; the parking facility will be managed by erecting a temporary fence to protect the land during the winter term. The Development Management Manager further said that confirmation has been received that the applicant will be charging a parking fee, similar to other locations as Llanddwyn, Lligwy and Penmon.

The Development Management Manager said that the Local Planning Authority consider that charging for parking will result in cars still parking on the side of the road

to avoid paying for parking. The application site is not previously developed land, and does not form part of an existing tourist facility, and is not intended to serve a specific tourist attraction, consequently no need or justification for the development has been demonstrated and the proposal is therefore contrary to policy TWR 1. The proposal would neither conserve nor enhance the special qualities of the Area of Outstanding Natural Beauty and there is no compelling need or justification for the development in this particular location. The recommendation was one of refusing the application.

Councillor Aled M Jones, a Local Member said that at the virtual site visit the lay-by on the highway was full of cars and the narrow single track road near the application site is being damaged due to cars parking at the side of the road. He said that in the summer months it is impossible to travel along the single track road due to the amount of cars parked at the side of the road. He considered that permitting the application would move the vehicles off the narrow road into a safe enclosure and it would protect the environment as it would protect the road verges. The applicant is proposing to use 'Green Protection Mesh' on one third of the field and this will allow the grass to grow through the mesh. He further said that there are a number of historical sites of interest along the Coastal Path which attract visitors near to this application. He noted that reference has been made that approving this application would set a precedent but there is evidence that improvements to the parking facilities in Llanddwyn, South Stack, Penmon and Lligwy has resulted in alleviating the traffic issues within these sites. The applicant is a local farmer who is offering a solution to tackle the traffic issues on the single track road near Porth Wen. However, costs of purchasing and laying the mesh will be expensive. He further said that Llanbadrig Community Council are in support of the application.

Councillor Derek Owen, a Local Member said that parking issues along this narrow road in Porth Wen has been a problem for many years. The coastline in this area does attract many visitors. He noted that he has been a member of the Coastguard for over 25 years in the area and the access along the narrow single track lane has caused continuous problems for the Coastguard. Cars are having to be towed out of the way to allow the Coastguard to be able to reach the coastline to save people's lives. The Ambulance Service and Fire Service have also faced problems when called into the area.

Councillor Jeff Evans said that he was not against the ethos of creating car parks for people to be able to visit local attractions. He ascertained as to the intention to charge for parking if the application is approved and whether it will be affordable for local people to have use of the car park. The Chair responded that the car parking charges is unknown and it is not a planning matter. Councillor Jeff Evans proposed that the application be approved contrary to the Officer's recommendation.

Councillor Robin Williams seconded the proposal of approval of the application, however, that a condition be imposed that yellow lines be placed on both sides of the road from the main highway to the proposed car park. He further said that an additional condition needs to be imposed on any approval of the application to prohibit overnight parking on the site and that the site to be locked at night. The Legal Services Manager stated that yellow lines could only be placed on a highway and a highway would not be land controlled by the applicant and so could not be the subject of a planning condition. Councillor Robin Williams said that he still seconded the proposal to approve the application with the prohibition of overnight parking and locking of the site at night, but withdrew his recommendation to impose a condition that yellow lines be placed on the single track road.

Councillor Ken Taylor proposed that the application be refused in accordance with the recommendation of the Officer's as it does not comply with planning policy TWR 1. Councillor T LI Hughes MBE seconded the proposal of refusal.

**It was RESOLVED to approve the application contrary to the Officer's recommendation on the basis that the Committee considered that it would be beneficial to alleviate the parking problems in the area and that an additional condition be place on the approval that to prohibit parking on the site overnight and for the site to be locked at night.**

*(In accordance with the requirements of the Constitution the application was automatically deferred to the next meeting to allow the Officers to respond to the reason given for approving the application).*

## **7.2 S106/2022/4 – Application for the amendments of Section 106 Agreement in relation to affordable housing of planning permission 27C23A on land adjacent to Former Llanfachraeth Primary School, Llanfachraeth**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 7 September, 2022 the Committee resolved to refuse the application contrary to the Officer's recommendation. The reasons given were that due to the current economic climate, there is a significant need for affordable housing and that it is inappropriate to lessen number of affordable houses delivered as part of the scheme.

The Development Management Manager reported that at the meeting of the Planning and Orders Committee held on 7 September, 2022 it was reported that the developer has submitted a viability assessment and Red Book Valuation which seeks to amend the current agreement with a range of options put forward. The Joint Planning Policy Unit have assessed the documents and has confirmed that providing 2 affordable dwellings is not viable in the current economic climate and in line with the affordable housing SPG, it is reasonable to reduce the affordable provision to a single unit. However, it must further be considered that under the Joint Local Development Plan, affordable housing provision requirements for new developments in Llanfachraeth stands at 20%. The proposed reduction from 2 units to 1 unit still represents a policy compliant affordable housing provision for the development under current policy. The recommendation is of approval of the application.

Councillor Jackie Lewis, and a Local Member said that there is affordable need for housing in Llanfachraeth and other areas with over 800 on the Council's housing waiting list. Having received statistics from the Housing Department she noted that 14 families are seeking an affordable dwelling in Llanfachraeth. She referred that it is difficult to evaluate the cost of affordable housing due to the cost of living crisis and interest rates rising for people who wish to buy houses. Councillor Lewis questioned a system which allows a developer to seek to modify an affordable housing provision whilst making a profit on the building of these dwellings. She welcomed the Home Buyers Scheme on Anglesey and the Equity Loans Scheme but with interest rates rising it does not help young people to buy houses locally.

The Development Management Manager said that the information presented by the developer as part of the viability assessment and Red Book Valuation, it is not considered that a substantial profit will be made from the development at Llanfachraeth. It is accepted that there are 14 individuals awaiting affordable housing on the Tai Teg list in Llanfachraeth but it is not a duty on this developer to address the housing issues across Anglesey. Current planning policies requirements of 20%



affordable provision is acceptable in Llanfachraeth and the developer is conforming to the requirement.

Councillor Ken Taylor proposed that the application be approved in accordance with the Officer's recommendation and was seconded by Councillor Geraint Bebb.

Councillor Jeff Evans proposed that the application be refused contrary to the Officer's recommendation and was seconded by Councillor Jackie Lewis.

In the subsequent vote, the proposal to approve the application was carried by 4 votes to 2.

Councillor Robin Williams abstained from voting as he has left the meeting during discussion on this application.

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

### **7.3 FPL/2021/159 – Full application for the erection of 50 residential dwellings, 12 residential apartments, construction of a new vehicular access and road, construction of a foul water pumping station together with soft and hard landscaping on land adjacent to Maes Derwydd Estate, Llangefni**

The application was presented to the Planning and Orders Committee at the request of two Local Members. At the meeting held on 7 September, 2022 the Committee resolved that a virtual site visit be undertaken. The virtual site visit subsequently took place on 21 September, 2022.

#### ***Public Speaker***

Mrs Sandra Sawicz, **objecting to the application**, said that she was representing the residents of Ty Hen and Maes Derwydd at the meeting. She noted that there is insufficient parking within the Ty Hen estate already for resident's vehicles and they are having to park on the pavements and on the side of the road. There is no safe play area on the Ty Hen estate for children to play and there are tractors going through the estate to the farmland at the back of the estate; this is the only access point to the farmland. Mrs Sawicz further said that only 6 of the dwellings are to be affordable and she asked who is going to be able to afford the other proposed dwellings and it will attract people from outside of Anglesey to buy these houses and will have an effect on the Welsh language. She referred that the trees that will need to be felled will affect the wildlife on the fields that are to be developed.

The Legal Services Manager read out a statement by Mr D Fitzsimon, agent for the developer who was unable to attend the meeting. The statement was read out as follows :-

This is an application for the construction of 62 properties, 50 houses and 12 apartments. The site comprises of 2.8 hectares of undeveloped land. It borders Tŷ Hen and Maes Derwydd to the north and the playing fields of Ysgol Gyfun Llangefni to the east, with open fields to the west. The site has been allocated for residential development within the Gwynedd and Anglesey Joint Local Development Plan. This means that a principle has been established for residential development in the area and the Inspector appointed to examine the Local Development Plan is also in agreement. The site is in a convenient and sustainable location within the Urban Service Centre of Llangefni. There is a wide variety of public transport on offer, along

with a variety of shops and public and commercial services. The design includes a wide range of attractive buildings, with houses and apartments sited neatly and effectively to have a positive response on the character and appearance of the local area: six one bedroomed apartments; six two-bedroomed apartments; six two-bedroomed houses; 23 three bedroomed houses; 15 four bedroomed houses and six five bedroomed houses. The buildings will be arranged around an internal road system that will run in parallel with the boundary with each house offering a generous private space. It has been ensured that there will be adequate space between the buildings and the existing houses at Tŷ Hen and Maes Derwydd, to provide an acceptable level of security and a high standard of living for existing as well as future residents. The homes with more than one bedroom will have at least 3 parking spaces, whilst the one bedroom homes will have a private parking space, as well as a parking area for visitors. There will be one point of access located to the south of the Tŷ Hen entrance. A highways assessment has been completed and confirms that the access is safe and satisfactory posing no undue risks to drivers and residents. The Council's Highways Officer is happy with the proposal in terms of access and parking arrangements. A public open space will be provided for future residents at the centre of the development. This will provide attractive feature with elements of nature conservation. A proportion of the buildings on offer will provide affordable housing in line with Council requirements. This will safeguard the planning obligation in perpetuity. The ecological survey supporting this application indicates that the development will not harm biodiversity and ecological elements. The design will improve the landscape and provide an ecological development. The main water pipe is currently located along the front of the site. No development will take place within the water protection zone and this can be secured through a planning condition if necessary. The Welsh Language Statement supports the applications and believes that the development will have a positive effect on the Welsh Language and Welsh Culture. There will be economic benefits during the construction phase and in the long term. It is likely to have a positive impact on the town, with residents spending time and money locally. The construction company is a Welsh company and all employees are Welsh speakers and from Anglesey. The company employ local residents and offer work to other local companies. In conclusion, the site has been designated for housing, and the residential development is acceptable in principle. The development team has worked closely with the Council's Planning Officers to ensure the site is developed in an effective, attractive and efficient manner, offering a range of affordable homes, as well as protecting the existing residents of the area.

Councillor Nicola Roberts, a Local Member said that she had received numerous concerns by local residents with regards to this development with many wishing to see the site be retained as green fields and others wishing to see the site being for affordable housing for local residents. She enquired if the 6 affordable element of the development complies with relevant planning policies due to the size of the development and as to which of the dwellings are to be affordable and whether they address local need? She further ask as to the target levels for development of houses in Llangefni within the Joint Local Development Plan as there are large development of houses currently been built and have had planning approval in Llangefni. Councillor Roberts said that there is a lack of playing areas in this vicinity and she questioned whether the playing area attached to this proposal will be sufficient and whom will be responsible for the upkeep once the construction of the development has completed. She ascertained whether a condition or a financial contribution can be afforded as part of any approval of the application for the upkeep of the play area as it can fall on the Town Council or the County Council to maintain the play areas thereafter. She further said that she was concerned that there was no Welsh Language Statement required

as part of the application as it will be an open market development. Councillor Roberts also questioned whether LED lighting will be used as street lighting and whether measures will be put in place that the lighting will not affect the other neighbouring estates. Councillor Nicola Roberts further expressed deep concern that the local Health Board had not responded to the consultation process as the proposed development will have a strain on the GP and Dentist surgeries in Llangefni. She noted that with all the development already in the town the current health infrastructure will be inadequate to serve residents of Llangefni. She further said that mitigation measures will need to be put in place if the development was to be given planning approval as regards to adequate parking facilities for the construction workers to be on site and not to add to parking problems already occurring at both Ty Hen and Maes Derwydd estates. Other mitigating measures should be as to the start and finish times of construction works to mitigate the effect on neighbouring properties. Conditions should also be imposed on any approval that a time frame for the delivery of building materials to the site as there is a high proportion of children walking to school from this area. She further said that the developer needs to work with the local authority and the Town Council to assure that an appropriate Welsh name on the estate be agreed if the proposed development was approved.

Councillor Geraint Bebb, and a Local Member said that he was disappointed that the developer was not present at the meeting to address concerns raised by local residents and as to whether they intend to choose a Welsh name on the proposed estate. He was also concerned that the Health Boards had not responded to the consultation on the proposal as to the effects such a large development will have on the infrastructure of GP and Dentist surgeries in Llangefni.

The Development Management Manager reported that the application site is located on an allocated site (T17) within the development boundary of Llangefni under the provisions of PCYFF1 and the principle of residential development is therefore acceptable and aligns with policy TAI 1. The Joint Planning Policy Unit have confirmed that at present capacity exists in the settlement and that no Welsh language Statement is required with the planning application. A satisfactory record of how the Welsh language was considered has been provided with the planning application and has been assessed by the Welsh Language Officer. Criterion (3) with Policy PCYFF 2 seeks to ensure that proposals make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development; the size of the proposed development site is approximately 2.38 hectares. The density of this proposal (62 units) on part of the allocation (2.38 hectares) totals 26 units per hectare. Whilst the development fails to comply with Policy PCYFF 2 it is necessary to consider the proposed development includes open space provision, SUDS requirements and to ensure that the proposed dwellings are located at an acceptable distance away from existing residential properties. Policy TAI 8 of the Joint Local Development Plan requires that the mix of housing in a development are appropriate and align with the need of the area. The Housing Department has stated that the housing mix is appropriate and aligns with local needs. He further said that Policy TAI 15 requires that part of the proposed development is provided for affordable housing purposes and in Llangefni this equates to 10% of the overall number of units which equates to 6.2 units. The developer is offering 6 affordable units on the site and a financial contribution of £16,666 will be required towards affordable housing in the vicinity. The Development Management Manager further reported that the Highways Authority has confirmed that the site layout is satisfactory and each dwelling complies with car parking standards. There is a good estate road and a footway is proposed

from the development site which links to the existing footway in front of Ty Hen estate. The application site is also within walking distance of the public rights of way at Maes Derwydd which runs parallel with Ysgol Gyfun Llangefni and Canolfan y Bont. Access to the site is via the B4422 and a 70m x 2.4m visibility splay provided in each direction and sufficient parking spaces has been provided for each of the dwellings. The Highways Authority is satisfied with the development as it is within walking distance to the local amenities in Llangefni. During the virtual site visit a Local Member raised concerns as regards to the parking along the Ty Hen Road but as it has been noted the proposed development would provide sufficient parking provision on the site and will not add to the parking issues on the neighbouring estates. It was noted that it was not the duty of the developer to resolve existing parking issues should they exist. The Highways Authority have confirmed that they are satisfied with the intention of the development as it meets with the parking standards, the visibility is acceptable and there are conditions noted within the report before commencement of the development. The Development Management Manager further said that Welsh Water are satisfied with the drainage proposals and a SAB report will be required as regards to surface water treatment. He further said that a condition will be imposed to ensure that no work start on the development until soft and hard landscaping has been approved. The distances between nearby properties comply with policy requirements and supplementary guidance which is considered acceptable. The development will create 1000 square metres of informal public open space as part of the proposed development. There is also no requirement for an educational contribution as the new Corn Hir Primary School has the capacity to take the children that is expected from the proposed development. The proposed development is within a sustainable location and is close the local amenities of Llangefni and public transport. The requirement for affordable homes is 10% of the development in Llangefni and the proposal meets the requirements of the planning policy. A condition will be imposed as regards to the street lighting of the estates is noted within the report. He noted that he shared the concerns of the local members as regards to the Health Board not responding to the consultation as regards to the development. He noted that a meeting has been undertaken with the Health Board as regards to this proposal and two attempts has been made thereafter to gain their response as to the effect on the health provision in Llangefni. He further referred that as regards to mitigation measures the developer has afforded a Traffic Management Plan and an Environmental Management Plan (CEMP). Condition (09) within the report refers to mitigation measures as regards to construction works be carried out between specific hours on the site.

Councillor Robin Williams reiterated the concerns of the local members that the Health Board had not responded to the consultation process as there are problems as regards to the medical services in Llangefni with one dental surgery closed at present. He said that comments have been received during the consultation on the proposed development by the North Wales Fire Service with regard to the road width, surface of the road and water supply. He ascertained whether the access will be widened to the development site. The Development Management Manager responded that a condition is imposed as regards to the access to the site. Councillor Williams expressed that it was concerning that no educational contribution was required as part of this proposed development as there will be over 60 houses on the site. The Development Management Manager responded that a formula is used by the education service to look at capacity of local schools and if such a development exceeds the capacity within schools it is then that a financial contribution is requested towards education provisions. As there will be a new Corn Hir School, which is currently being developed, there will be capacity within that school for education provision for children that are likely to be living in the dwellings.

Councillor Robin Williams further said that Policy TAI 15 requires that part of the proposed development is provided for affordable housing purposes and in Llangefni this equates to 10% of the overall number of units which equates to 6.2 units. The developer is offering 6 affordable units on the site and a financial contribution of £16,666 will be required towards affordable housing in the vicinity. He considered that this sum is totally inadequate and the developer will be able to achieve substantial profit from the sale of these dwellings. The Development Management Manager responded that the Housing Department has a formula as regards to how it would cost to build the houses rather than their market value. He noted that a Briefing Session for Elected Members is to be arranged to discuss Affordable Housing provisions.

Councillor Robin Williams said that the land has been identified for the development of houses within the Joint Local Development Plan and he accepted that there are local concerns as regards to the proposal, however, it does comply with planning policies.

Councillor Williams proposed that the application be approved. Councillor Ken Taylor seconded the proposal of approval.

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

#### **7.4 FPL/2022/14 – Full application for the demolition of the existing dwelling and garage together and erection of new dwelling together with alterations to the vehicular access at Green Bank, Bull Bay Road, Bull Bay, Amlwch**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 7 September, 2022 the Committee resolved that a virtual site visit be undertaken. The virtual site visit subsequently took place on 21 September, 2022.

#### ***Public Speaker***

Mrs Wendy Steele, **objecting to the application**, said that the dwelling next door to their property is currently a 2 bedroomed bungalow which has been left to deteriorate for more than two years by the current owner. The applicant states that the building is now in such a bad state of repair that it needs to be demolished. She said that she would argue that the building is in such a bad state because the owner has deliberately left the bungalow to get into that state for more than two years because he wanted to build a larger property in its place. To go from a 2 bedroom bungalow to a 6 bedroomed house (the application states that it will be a dormer bungalow) which is in our opinion a devious way of making the property sound like it will only be as high as the current bungalow. We also note that the applicant has re-submitted their plans and

are now calling it a 4 bedroomed property when all they have done is rename the two downstairs bedrooms as a snug and family room which will no doubt revert back to 6 bedrooms once the building is complete. So not only do we object to what they want to build, we also object the fact that they think the objectors and dare I say, the council, are not of a high enough IQ to not notice what they plan to do. Bull Bay is rapidly becoming another Rhosneigr and Trearddur Bay, in that in the winter months it is becoming a ghost town. The owner has never made himself known to us, but my husband did speak to whom he believed to be the owner and asked him if he was planning to live here. When the owner stopped stuttering, his reply was "maybe when the children leave school" and this is why we feel we are correct in our thinking that it will be a holiday let. Ashley Peters of Tarporley in Cheshire was named as the applicant in the first planning application with the name Gladstone Investments only mentioned once in one of the reports that accompanied the application. My question to the council is, is the planning application with the same reference number allowed to have two different names as the applicant? As this is of some concern to us and we wonder whether this is indeed allowed. Gladstone Investments does not appear to have a web site, which is unusual in this day and age, but on Companies House they state they 'buy and sell real estate' again it would appear that they will either flip this property or use it themselves as a holiday let. Unfortunately we do not believe that this house will become somebodies home. Gladstone Investments is also registered as being a company in Essex and the three directors all have the surname, Keys. Again this seems to increase the chance that this will be another holiday let. Whether this property becomes a 4 or a 6 bed house there will be the potential of there being 6 cars on the drive. We have to be really careful when exiting our drive as it is on a bend, and for this reason we keep our hedges etc cut quite low so that we can see to the left and the right. The position of the bend on Greenbanks property is horrendous. We all know that when people are in holiday mode common sense is often not at the forefront of their minds and it is without doubt an accident waiting to happen if people do not take extra care and attention when leaving that property. The people who live in Bull Bay are averaging from the age of approximately 40 upwards and to live next door to a house that has the potential to have 20 year olds or younger, or indeed any number of any age, will severely affect our right to enjoy a quiet and peaceful life, as stated in Art 8 Human Rights Act. One of the new holiday lets at the top of the hill, and only opened a couple of months ago, has already had the police called at least once because of the noise and drunken antics of the holiday makers. The Leafy Lane guest house has recently been sold and turned into a massive AirBnB holiday let, and The Anchorage next door has also just gone up for sale so the potential is also there for another huge holiday let. It has also been noticed that the new Bull Bay Hotel plans have been submitted and they are again 9 holiday lets flats and 3 detached houses.

Ms Sioned Edwards, **in support of the application**, said that the application is to demolish an existing house and to build a replacement new house in its place. The property will be a residential home and will not be a holiday let, this is not the application submitted. The applicant and his wife have been born and bred in North Wales and they moved away due to work commitments and they are looking to moving back to North Wales. The site is located within the cluster of Bull Bay and the application has been called into committee by the local Councillor based on concerns regarding the design of the house and overdevelopment of the site. It is acknowledged that the new house would be of modern design but it must be noted that there is no particular style or specific design in this area of Bull Bay. There are two houses of modern design with windows located in the front gable of the houses and who also have balconies which are located close to the site as you drive down towards the water (towards the location before the Bull Bay hotel). The current house is of no

specific design, it has UPVC conservatory which dominates the front of the house. The standard of design of the current house is poor and of a low standard. It is considered that the proposed design would be of a much higher standard and would provide a house which is much more sustainable. The Local Member Councillor has expressed concerns of overdevelopment. The current house and garage have been developed across the whole of the plot. There will be more room between the proposed dwellings and the plot boundaries either side. Changes have been made to the plans to ensure that no parts of the house are closer to the plot boundaries than the houses either side to comply with the relevant SPG. The height of the house would not dominate the site and it would correspond to the change in the land levels between 'The Greek' to the East and 'Hafan Clyd' to the West. The recommendation from the Officers and as agents, have worked closely with the Officers to ensure that the development is acceptable.

The Development Management Manager reported that the Committee will be familiar with the local concerns that has been outlined in the report and following the site visit held on 21 September. The Case Officer has also responded to the concerns as regards to the development in the report. The Development Management Manager said that the most relevant development plan policy to assess the application is policy TAI 13; Replacement Dwellings – together with other more general policies relating to design and place shaping. Policy TAI 13 states that proposals for replacement of a dwelling that meet the criteria listed in the report will be granted. Criteria 1, 4, 5 and 7 are not relevant as the application site is within the cluster of Bull Bay, however it is considered that it satisfies other criteria – 2 as it is not a Listed Building, 3 – it is not considered that the current dwelling has any architectural value, historic or visual value; 6 – the dwelling be on the same footprint as the original dwelling; 8 – the application site is not within a C2 Flood area. He further said that the existing dwelling is a single storey cottage with a pitched roof, a conservatory is located on the front elevation and a small pitched roof garage is located to the east of the existing dwelling. The proposal is to replace the existing dwelling and garage with a larger and modern two storey dwelling. The existing dwelling has a floor area of approximately 105 square metres. There are no particular style of dwellings in the immediate area, the properties in the immediate area range from single storey and dormer dwellings. The floor area of the replacement dwelling will be a total of 308 square metres and as was shown in the site visit, will be no higher than the neighbouring property 'The Creek' to the east and approximately 1m higher than 'Hafan Glyd' to the west. The existing dwelling is smaller than the majority of properties in the area and the replacement dwelling will fit comfortably within the site without harming existing residential properties. It is considered that the proposal will complement and enhance the character and appearance of the site in terms of appearance and the use of high quality materials meets the policy requirements PCYFF 3. It is accepted that this is a modern design, but the scale, massing and elevation treatment will integrate into the surroundings and improve the appearance of the site. The application includes a total of 3 bird boxes on the side elevations and 2 bat boxes on the rear elevation together with the planting of native vegetated areas to the front of the site and additional native vegetated areas to the east boundary. The Highways Authority has confirmed that they have no objection to the proposal as the current vehicular access is being improved and widened but a Traffic Management Plan will need to be submitted prior to work commencing on the site. The planning application has been amended to ensure that the amenities of adjacent residential properties will not be affected and the dwelling has been moved back within the plot and the side screens of the balcony will be 1.8m high and obscured glass. The Development Management Manager further reported that it is not considered that the proposal will have a negative impact. He

further said that in response to the objector to the proposal her own property is listed as an Air BnB and there are many reviews as regards to that property. This application is for a new dwelling and not for holiday units; the property will be 1m higher than Hafan Glyd and will be further away from the boundary than the existing dwelling and is more or less on the same footprint even though it is an application for a two storey dwelling.

Councillor Aled M Jones, a Local Member, said that the concerns as regards to this application is that there will be a two storey dwelling replacing a single storey dwelling. The proposed dwelling will be higher than neighbouring dwellings either side. He referred that in viewing the submitted plans for the development it is possible to split the building into two separate dwellings. He further referred to road safety, and noted that the development site is located on the corner of the highway from Amlwch to Holyhead. If this proposal is approved it has a potential for 6 cars to use this site which increase traffic concerns.

The Development Management Manager said that the design of the proposed property will be 1m higher than Hafan Glyd and is no higher than The Creek to the other side. It is considered that the development would not be significantly higher than neighbouring properties to justify refusing the application. In terms of design the property seems to be of a double aspect building but the application before the Committee is for a single dwelling, however, if the developer wishes to convert the property into two dwellings, a further planning application would need to be submitted. He further said that having looked at the floor plans of the dwelling, it would not be easy to separate the building as the Local Member has suggested. The current access is to be improved and there will be parking for 4 vehicles as the dwelling has 4 bedrooms and the proposal meets the parking requirements.

Councillor Ken Taylor said that planning policies need to be adhered to and there is no reasons to object this application. Councillor Taylor proposed that the application be approved. Councillor Geraint Bebb seconded the proposal of approval.

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

## **8 ECONOMIC APPLICATIONS**

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

## **9 AFFORDABLE HOUSING APPLICATIONS**

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

## **10 DEPARTURE APPLICATIONS**

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

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

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

## **12 REMAINDER OF APPLICATIONS**



**12.1 TPO/2022/16 – Application for works to 6 trees protected by a Tree Preservation Order at land between the reservoir and 30 Ty Mawr Estate, Menai Bridge**

The application was presented to the Planning and Orders Committee as the site is owned by the Local Authority.

The Development Management Manager reported that the application refers to works to 6 trees which are subject to a Tree Preservation Order titled 'Old Reservoir' Menai Bridge made in 1988. The trees are situated on land which is part of the northern embankment of the reservoir, located off the Pentraeth road in Menai Bridge. The trees have recently been surveyed for reasons of ash dieback and six trees are proposed for felling due to their condition and their location near the footpath along the highway used by the public and children walking to Ysgol David Hughes.

Councillor Robin Williams proposed that the application be approved. Councillor Ken Taylor seconded the proposal of approval.

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

**12.2 VAR/2022/48 – Application under Section 73 for the variation of Condition (04) of planning permission reference 45C260B (Full application for change of use of the existing building from A1 (retail) to mixed use A1 and A3 (retail and food and drink) so as to change the existing opening hours at Madryn House, Pen Dref Street, Newborough**

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

***Public Speaker***

Ms Sue Madine, **in support of the application**, said that along with Diane Broad she owns and runs Caffi Wiwer Goch & Oriel Nyth y Wiwer in Newborough. She noted that a 3-minute slot today feels wholly inadequate to respond to objections to the application and to put the case to protect jobs and the future of the business. Planning deem that the cafe opening into the evening will have a detrimental effect on neighbouring residents. This is the only business out of 5 on the square who has to shut at 5pm. Since opening in 2014, the business has provided jobs for 25 mainly Welsh speaking local people; it currently employs 5, with hundreds of thousands of pounds generated into the local economy. The cafe supports or is serviced by 8 Anglesey businesses. The gallery is an outlet for 12 independent Anglesey artisans. Most of the objections raised are conjecture, opinion, false & lack any true evidence. After years of complaints against the cafe, council records confirm that despite numerous council visits and literally hundreds of noise applications submissions by our closest neighbour, no statutory nuisance has ever been found. No enforcement has ever been taken. The current working and kitchen practices have further cut down on noise and odours. It is untrue that customers are told to park across peoples driveways. Anyone present in Newborough in the summer as the traffic leaves the beach will know the chaos caused by people parking illegally, especially to use the chippy, people waiting for a takeaways are far more likely to do this than people who go for a 'sit-in' meal; many customers will walk to the cafe in the evenings. Traffic and parking is for authorities to deal with in a manner which is fair and equitable to all businesses and residents in the village, giving equal

opportunity, and not to penalise 1 business because of what has been allowed to evolve. A compromise to planning to stop our kitchen at 9pm, stop serving alcohol at 9.30pm and close at 10pm. Planning already knew that the premises licence does not permit customers to sit outside after 9pm. Still this has been rejected. Disappointingly, planning will not guide us as to what would be 'acceptable'. How can the cafe opening in the evenings be anymore detrimental than the impact of the pub which adjoins 2 residential properties and has a beer garden to the rear? How is it fair & equitable to reject our application when the cafe will close earlier, hold fewer people, have no juke box, karaoke or live music? We play low level background music. The cafe opening into the evenings, will only add to the community and the life of the village. It will create jobs and offer another option, it is not a pub or a nightclub, it is a cafe, where people come primarily to eat. Our sales of alcohol currently make up just 3% of item sales. We are not in direct competition with any of the other village businesses, all of whom open into the evening. It will simply offer an alternative evening dine-in option. Almost 4 months on since approaching planning, we now ask the committee to give us the same leeway and consideration as the other businesses in the village. In these times where insolvencies of small hospitality businesses are up by 60% we ask that you treat this application with fairness, equity, foresight and in line with Anglesey's Transitional Plan 2022-2023 i.e. to support businesses. We hope that the committee have seen the numerous expressions of support for our application which have been sent to our council members and planning. We also ask that the committee make a decision which does not necessitate further applications, delay and costs.

The Development Management Manager reported that the application site is a corner building situated on a crossroads in the centre of the settlement of Newborough. The building was previously used as a Class A1 building (post office) and was granted planning permission in January 2017 for a mixed use development comprising of A1 and A3 to be used as a café/hot food takeaway retailer. Condition (04) of the permission restricted the opening hours of the premises to 9.00 a.m. – 5.00 p.m. (Monday to Saturday and 10.00 a.m. to 4.00 p.m. on Sundays). The application is now to extend the opening hours from 8.00 a.m. – 11.00 p.m. for 7 days a week. The applications main issues therefore is whether extending the opening hours will have a detrimental impact on the amenities of neighbouring properties. The immediate neighbouring property, located on Chapel Street is a Fish and Chips Shop which is open until 8.30 p.m., in the summer and 7.30 p.m., in the winter and a convenience store is situated on the opposite corner of Chapel Street/Pendref Street is open until 9.00 p.m. There is also a Public House which is located directly opposite the Premier Store. He further noted that the property utilises the external area to provide external seating area for customers. The recommendation is to refuse the application as the increase in the hours of opening of the premises until 11.00 p.m., 7 days a week in this location will have a high potential to result in increased noise levels to the immediate neighbourhood. The proposal would by reason of noise with the late night opening with customers socializing and the comings and goings of customers would inevitably result in noise and disturbance.

Councillor Robin Williams said that he did not understand the recommendation of refusal of this application to the extended hours of this Café in Newborough as the Public House is nearly directly opposite the café and is open until 11.00 p.m., and could potentially open 24 hours a day. He considered that extending the hours of the café would not effect on the amenities of nearby properties.

Councillor Jackie Lewis said that she is also unsure as to why the recommendation is of refusal of this application as the customers in the Public House will be sitting

outside in the beer garden to drink, smoke and listen to live music. She noted that the café serves food and alcohol.

The Development Management Manager said that the neighbouring properties are used to the Public House being open in the village of Newborough. However, if the properties next door to the Wiwer Goch, Café are used to the café closing at 5.00 p.m., and extending the hours of opening until 11.00 p.m., will have an effect on the amenities of the neighbouring properties.

The Legal Services Manager said that a compromise is that extending the opening hours of the café could be for a trial period of 2 years. Any noise nuisance reported from the site could be monitored and reported back through the statutory noise nuisance procedure. At the end of the trial period a view could be formed as to whether the extended opening hours should be made permanent or be refused.

Councillor Robing Williams proposed that the application be approved contrary to the Officer's recommendation and that the cafe be allowed to open from 9.00 a.m., to 10.00 p.m., seven days a week, for a trial period of 2 years. Councillor Ken Taylor seconded the proposal of approval of the application.

**It was RESOLVED:-**

- **to approve the application contrary to the Officer's recommendation on the basis that the Committee considered that the proposal would not cause unacceptably detrimental effects on the residential amenities of nearby occupiers as other commercial properties are located in the immediate locality;**
- **that the premises be allowed to open from 9.00 a.m. to 10.00 p.m., seven days a week, for a trial period of 2 years.**

***(In accordance with the requirements of the Constitution the application was automatically deferred to the next meeting to allow the Officers to respond to the reason given for approving the application).***

### **12.3 FPL/2022/134 – Full application for conversion of the outbuilding into a 2 bedroom holiday let at Tithe Barn, Henblas, Llangristiolus**

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

The Development Management Manager reported that the application was presented to the Committee as the request of a Local Member, Councillor Nicola Roberts due to concerns regarding the impact of holiday homes on the Island and also stated the scheme warranted closer scrutiny due to the historic and local importance of the building. The site is located in the open countryside of the Llangristiolus area, with access to the site afforded via a private lane which also serves as means of access for a farm and the Henblas wedding facility. Special Landscape Areas designation is given to the area and forms part of the Maltraeth Marsh and Surrounds designation. The site includes the recently converted Tithe Barn together with its associated garden and drive area. The Tithe Barn is a Listed Building and therefore by virtue being within the curtilage of a Listed Building, the structure subject to this application is also a Listed structure. The structure is in a poor state of condition and does not include a roof or any windows/doors. Historically, the building was used as a cottage and benefits from an extant permission to convert it into a garage under application VAR/2020/15. The

application is made to convert the derelict structure into a two bed holiday unit together with alterations and extensions thereto. The proposal seeks to retain the ruinous structure by utilising it as a cladding of sort, with a new structure erected within the walls to form the holiday unit. The existing structure will house the two bedrooms, whilst the extension will provide space for an open plan living area together with plant and store rooms. The design of the proposal is considered acceptable by the local authority Heritage Officer and it is not considered that it will have a detrimental effect on Tithe Barn. He further said that whilst the scheme does not effectively conform with policy TWR 2, it is considered that holiday use is the most acceptable use in line with enabling development and other policies of the Joint Local Development Plan. The structure does have extant planning permission for use as a garage, however it is considered that holiday accommodation is a more sympathetic use to the historic use of the structure as a cottage. This view is also shared by the Council for British Archaeology, who made the following comments on the accompanying Listed Building Consent application *‘the domestic use is more sympathetic to the site’s heritage than converting the ruin into a garage and store.’* The Development Management Manager further said that the scheme does not conform with the relevant holiday accommodation policy of the Joint Local Development Plan, however in line with policy AT 2, it is considered that the scheme is acceptable on planning balance as it will secure the future use of the structure and retention of the historic asset.

Councillor Robin Williams, on behalf of Councillor Nicola Roberts, who had to leave the meeting, said that Councillor Roberts had called-in the application for consideration by the Committee but following receiving the Officer’s report, she was in favour of the recommendation of approval of the application.

Councillor Robin Williams proposed that the application be approved. Councillor Geraint Bebb seconded the proposal of approval.

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

**12.4 DIS/2022/62 – Application to discharge condition (02a) (Archaeological), (07) (Biosecurity Risk Assessment) and (17) (Construction Management Plan) of planning permission FPL/2021/361 (erection of a new foundation phase and child care unit) and MAO/2022/16 (Minor amendments) on land adjacent to Ysgol y Graig, Llangefni**

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

The Development Management Manager reported that planning permission was granted under planning application FPL/2021/361 for the erection of a new foundation phase and child care unit on land near Ysgol y Graig, Llangefni. A minor amendment application was later submitted MAO/2022/16 to make slight changes to the wording of some of the original conditions. Condition (02)(a) of planning application FPL/2021/361 requested the applicant to provide a specification for a programme of archaeological work for the site. A Written Scheme of Investigation for Archaeological Mitigation has been received from the applicant and Gwynedd Archaeological Planning Service has confirmed that they are satisfied with the information and confirmed that condition (02)(a) can be discharged.

Councillor Robin Williams proposed that the application be approved. Councillor Ken Taylor seconded the proposal of approval.

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

**12.5 VAR/2021/65 – Application under Section 73 for the variation of conditions 13 and 14 of planning permission reference 47C74, erection of 34 wind turbines which shall measure 53 metres in total height with the construction of access tracks and ancillary developments to include transformers, a sub-station and three anemometer masts on land to the North of Llyn Alaw so as to extend the operational phase until 22/10/32, extend the decommissioning period to 12 months and clarification regarding the period wind turbines shall be decommissioned if it fails to produce continuous electricity at Llyn Alaw Windfarm, Llanbabo**

The application was presented to the Planning and Orders Committee as the application is accompanied by an addendum to an Environmental Impact Assessment and needs to be referred to the Planning and Orders Committee for determination in accordance with paragraph 3.5.3.5(ii) of the Constitution.

The Development Management Manager reported that the application seeks to vary condition 13 to allow the operational phase of the turbines for a further period of 10 years up to 22.10.2032. Subsequently, the application also seeks to vary condition 14 to extend the period where the wind farm needs to be decommissioned (except for the substation) as well as extend the period where a turbine needs to be dismantled if it not producing electricity to the local grid. A community benefit fund was in place as part of the original application. The fund totalled over £42,000 per annum (£2,062 per MW index linked). As part of the current proposal the applicant seeks to increase the community benefit to £3,000 per MW from when the current consent expires. The money is dispersed between Tref Alaw, Llannerchymedd and Mechell Community Councils who will then be responsible for administering the funds as per the existing agreement.

Councillor Ken Taylor proposed that the application be approved. Councillor Geraint Bebb seconded the proposal of approval.

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

**12.6 HHP/2022/46 – Full application for demolition, alterations and extensions at Tan yr Allt Bach, Llanddona**

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

Councillor Alun Roberts, a Local Member requested that the application site be visited due to local concerns.

Councillor Ken Taylor proposed that a site visit be undertaken and Councillor Robin Williams seconded the proposal.

**It was RESOLVED to conduct a virtual site visit in accordance with the Local Members' request for the reasons given.**

**12.7 HHP/2022/219 – Full application for alterations and extensions at 7 Tre Gof, Llanddaniel**

The application was presented to the Planning and Orders Committee as the County Council are the applicant and the landowner.

The Development Management Manager reported that the application presented is for the erection of a single storey rear extension to the dwelling. The application site is a two storey semi-detached property, located in the Tre Gof estate within the development boundary of Llanddaniel as defined by the Joint Local Development Plan. The proposal is considered and it is not considered that it will have a negative impact upon the privacy and amenities of neighbouring properties. An existing two-metre high timber fence along the side and rear boundaries of the property will ensure that no issues of overlooking will arise from the proposed extension.

Councillor Robin Williams proposed that the application be approved. Councillor T LI Hughes MBE 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.**

**12.8 HHP/2022/171 – Full application for alterations and extensions with Juliet balconies at Awel y Bryn, Trigfa, Moelfre**

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

Councillor Ieuan Williams, a Local Member requested that the application site be visited as local residents have concerns that it would be over-development of the site.

Councillor Robin Williams proposed that a site visit be undertaken and Councillor Ken Taylor seconded the proposal.

**It was RESOLVED to conduct a virtual site visit in accordance with the Local Members' request for the reasons given.**

**12.9 FPL/2022/216 – Full application for an extension to the curtilage at Glanllyn, Llanedwen, Llanfairpwll**

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

The Development Management Manager reported that the proposal involves the extension to the residential curtilage of the property. The property is a semi-detached farmhouse, located in an open countryside location in Llanedwen. The proposal involves extending the residential curtilage of Glanllyn into the agricultural land to the north-west, and behind the rear garded of Porth Amel. The extended part of the curtilage will measure approximately 451m<sup>2</sup>, bringing the residential curtilage of Glanllyn to a total of 530m<sup>2</sup>. The proposal site falls within the AONB but it is considered that the small scale nature of the proposal will integrate well into its surrounding landscape.

Councillor Ken Taylor proposed that the application be approved. Councillor Robin Williams 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.**

**12.10 FPL/2022/198 – Full application for the installation of 2 no. 470kW Air Source Heat Pumps and a plant room house housing 2 no. Water Source Heat Pumps together with associated development at the Isle of Anglesey County Council, Council Office, Llangefni**

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

The Development Management Manager reported that the proposal involves the provision of a GRP enclosure measuring 8.3m x 5.3m x 3m for the housing of 2 water source heat pumps together with the provision of 2 air source heat pumps mounted on a modular steel frame some 0.7m above the ground level. The enclosures have been designed to the minimum standards whilst also ensuring sufficient and minimal access around the air source heat pump and plant room is maintained and allows for suitable workspace and access around the units. The proposed units are positioned to the rear of the existing Council building and are well screened by existing topography and vegetation. The application is accompanied by a Noise Impact Assessment. The assessment has considered the potential for noise impacts from the installation and it has shown that mitigation is required to meet the local authority EH criteria and acoustic enclosures for the air source units, with minimum sound reduction value of 22dB have been recommended. He further said that the application is also accompanied by a Biodiversity Enhancement Plan which proposes the provision of 2 bat boxes, 2 bird boxes and the expansion of the wildflower meadow to compensate for the loss of habitat features that will result from the development. The Ecological Adviser has been consulted on the proposals and is satisfied that the biodiversity enhancements proposed are appropriate with regards to relevant policies.

Councillor Ken Taylor proposed that the application be approved. Councillor Robin Williams 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.**

**13 OTHER MATTERS**

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

**COUNCILLOR NEVILLE EVANS  
CHAIR**

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## PLANNING SITE VISITS

### Minutes of the Virtual meeting held on 19 October, 2022

- PRESENT:** Councillor Neville Evans – Chair
- Councillors Geraint Bebb, Jeff Evans, Glyn Haynes, Trefor Ll Hughes MBE, Dafydd Roberts, Ken Taylor, Liz Wood.
- Councillor Nicola Roberts (Portfolio Holder for Planning, Public Protection & Climate Change)
- IN ATTENDANCE:** Team Leader – Planning (GJ),  
Planning Officer (HR),  
Committee Officer (MEH).
- APOLOGIES:** Councillors John I Jones, Jackie Lewis, Robin Williams.
- ALSO PRESENT:** Local Member : Councillors Carwyn Jones & Alun Roberts (application 1);  
Margaret M Roberts & Ieuan Williams (application 2)
- 

**1. HHP/2022/26 – Full application for demolition, alterations and extensions at Tan yr Allt Bach, Llanddona**

The Planning Officer outlined the proposal and showed videos of the site. Plans of the current dwelling together with proposed alterations and extensions were also viewed by the Members. The access road passing the site was also shown by video.

The Local Members, Councillors Carwyn Jones and Alun Roberts referred to the narrow road passing the development site which is access to the beach. The location of the current dwelling was raised which is within an AONB area and the proposals to extend the property.

**2. HHP/2022/171 – Full application for alterations and extensions with Juliet balconies at Awel y Bryn, Trigfa, Moelfre**

The Planning Officer outlined the proposal and showed videos of the site. He noted that the proposal is to extend the property from a 3 bedroomed dwelling into a 5 bedroomed property. Plans of the current dwelling together with proposed alterations and extensions were also viewed by the Members.

The Local Members, Councillor Margaret M Roberts and Ieuan Williams referred to whether the site would be able to accommodate additional vehicles on the site due to the narrow estate road.

**COUNCILLOR NEVILLE EVANS  
CHAIR**

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Planning Committee: 02/11/2022

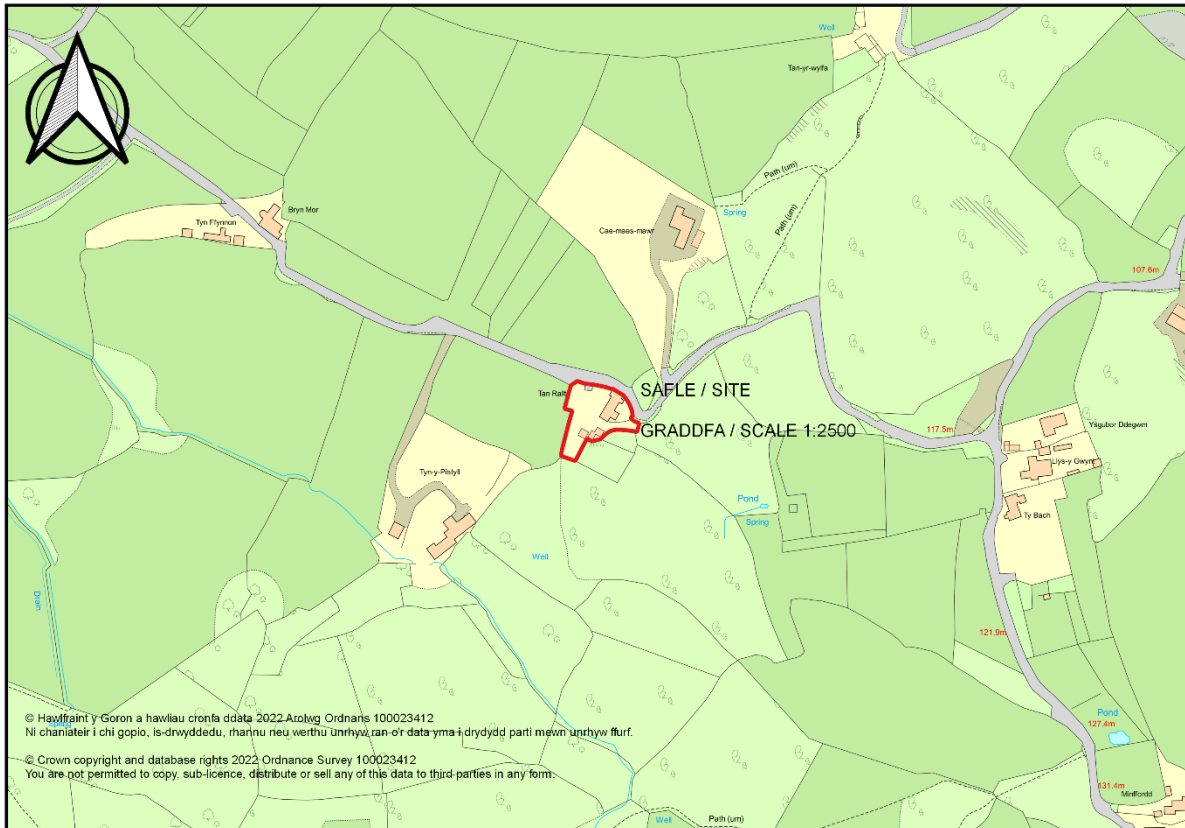
7.1

Application Reference: HHP/2022/46

Applicant: Mr Phil Smith

Description: Full application for demolition, alterations and extensions at

Site Address: Tan Yr Allt Bach, Llanddona



## Report of Head of Regulation and Economic Development Service (Huw Rowlands)

**Recommendation:** Permit

### Reason for Reporting to Committee

At the request of the three Local Members – Councillor Alun Roberts, Councillor Gary Pritchard and Councillor Carwyn Jones

At the meeting held on the 5th October 2022, members resolved to visit the site. The virtual site visit took place on the 19th October 2022 and members will now be familiar with the site.

### Proposal and Site

The application received is for the demolition of existing uPVC extension to the building together with the erection of a glass-linked single-storey gabled extension and a new patio with lower ground floor storage

area/ Plant Room underneath at the rural property of Tan Yr Allt Bach, Llanddona. The existing main dwelling is to have an erection of a pitched roof two-storey rear extension along with two new feature bay dormer windows to the 1st floor of the front elevation of the property.

### Key Issues

The key issues are if the proposal complies with current policies, if the proposal is an overdevelopment of the site and whether the proposal would have a negative impact on the existing building, the surrounding area or neighbouring residential properties.

### Policies

#### Joint Local Development Plan

Policy PCYFF 2 – Development Criteria  
 Policy PCYFF 3 – Design and Place Shaping  
 Policy AMG 1 – Area Of Outstanding Natural Beauty Management Plans

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

Technical Advice Note 12: Design (2016)

Planning Policy Wales (11th edition)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Gary Pritchard	Application to be referred to Committee
Ymgynghorydd Tirwedd / Landscape Advisor	Advice given, Strategy requested and provided.
Cynghorydd Carwyn Jones	Application to be referred to Committee
Cynghorydd Alun Roberts	Application to be referred to Committee
Cyngor Cymuned Llanddona Community Council	Object
Cyfoeth Naturiol Cymru / Natural Resources Wales	Advice and recommendations given
Priffyrdd a Trafnidiaeth / Highways and Transportation	Construction Traffic Management Plan requested, conditioned.
Dwr Cymru/Welsh Water	Advice Given
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice Given
Swyddog awyr dywyll / Dark skies officer	Concerns raised, additional information provided
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	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 14/09/2022. At the time of writing this report, no letter of representation had been received at the department.

## Relevant Planning History

None

## Main Planning Considerations

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

### Siting and Design:

Tan Yr Allt Bach is a detached farmhouse style property located at a rural elevated hill side sloping location adjacent to a main access road down towards Llanddona beach. The property is a detached two storey property with a substantially large sized curtilage/garden area surrounding the property. The existing greenery surrounding the curtilage of the property provides additional screening to the proposal site.

Having visited the site it is noted the front elevation of the proposed new extension is at a high vantage point with views towards the sea and towards Red Wharf Bay at a distance. It is considered the structure will be at a considerable distance from public vantage points of the beach of Llanddona and coastal area of Red Wharf Bay. The proposal site is only viewable from the nearest public beach of Llanddona when the tide is low only.

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.

Given the context of other neighbouring buildings and existing uses, it is not considered that the proposal would give rise to an unacceptable visual effect in the local landscape. The modern design and material choices of the proposal are aspirational in style but is considered acceptable as to be in keeping with the character of other new modern high quality developments within the immediate locality and on Anglesey as a whole. Information on proposed materials have been received and are considered acceptable as to match the existing style of the property, slated pitched roof and render to match existing property. The addition of a glass link is a modern unique choice of design modernising and enhancing the existing property whilst being placed set back within the site area to not be obtrusive within the rural landscape. It is considered due to many other new modern design aspirational style developments within the area that the design is in-keeping with the character of the area.

Concerns have been raised regarding the impact of the proposal to the local community and types of property that are being created within the Llanddona area. Considering the current property was recently sold for an above average property price, it is, unfortunately, not attainable for local people with average work wages to purchase this type of property within the local area or indeed Anglesey as a whole. It is considered the proposal is in keeping with the existing substantially sized property and within the character of Llanddona as there are numerous different styles and sizes of property within the Llanddona area.

The proposed design compliments and enhances the character of the existing property in line with Policy PCYFF3 and AMG 1 of the Anglesey and Gwynedd Joint Local Development Plan.

The form and proportion of the development also respect the character of the surrounding built environment and landscape in accordance with the guidance provided in the following Supplementary Planning Guidance Notes:

- Design Guide for the Urban and Rural Environment (2008).

### **Ecological Impact / Dark Skies impact / AONB:**

Dark skies have been consulted regarding the new glazing included as part of the proposal. After receiving comments from the officer further information and clarification have been provided to mitigate any detrimental impact on the designated dark skies area. Drawing Number A.005 – Proposed Dark Skies Strategy has been received by the agent of the application listing the following mitigation measures: Low-Intensity Lighting, Considered Accent Lighting, Vertical Light Spillage Mitigation, Horizontal Light Spillage Mitigation, General Light Spillage Mitigation which have also been labelled on proposed plans on the drawing received. With these measures in place it is considered the impact on the dark skies and AONB area of the new development will be minimized to an extent to not produce a detrimental impact to the immediate area.

A proposed landscape strategy, drawing number A.004 Proposed Landscape Strategy, has also been received as part of this application after agent receiving consultee response from our Landscape Officer. To minimise visual impact of the new proposal it is proposed the Western Boundary of the site is to be planted extensively with local landscaping species of plants. It is also noted that throughout the site that layers of planting is to be planted throughout the site to obscure any additional light included with the new proposal. This planting also provides additional screening to the site of the proposal minimising the visual impact of the proposal.

An ecological survey has been submitted as part of this application and a Bat Activity Survey has been submitted and conducted within the emergence time period of May – September. The survey notes reasonable avoidance and mitigation measures during the construction process and lists bat and bird boxes to be placed on site. An Ecological Mitigation Overlay has also been provided as part of the application clearly labelling the required ecological boxes and their locations within the application site.

### **Adjacent Residential Properties:**

No immediate neighbours are located nearby the property with the nearest immediate adjacent approx. 92m distance away (Cae Maes Mawr, Llanddona). This distance is a greater amount than the indicative minimum distances measured in SPG Guidance Note 8: Proximity of Development. It is considered the proximity of the development is considered acceptable.

Policy PCYFF 2 ensures the development is acceptable if the proposed development would not have an unacceptable adverse impact on:

The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.

### **Conclusion**

It is considered that the proposal is acceptable in land use planning terms. The Proposed development is subservient to the existing property in respects of scale and size and does not dominate the original elevation, therefore it is appropriate to the dwelling and its surrounding area.

### **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).

**(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.**

- **2117 Design & Access Statement April 2021 – Revision A**
- **A.006 – Ecological Mitigation Overlay**
- **A.003 Rev A – Preliminary Drainage Strategy**
- **A.500 Rev A – Proposed 3D Visuals**
- **A.005 – Proposed Dark Skies Strategy**
- **A.302 Rev A – Proposed Extension Elevations**
- **A.400 Rev A – Proposed Extension Sections**
- **A.201 Rev A – Proposed First Floor Plan**
- **A.200 Rev A – Proposed Ground Floor Plan**
- **A.300 Rev A – Proposed House North and West Elevation**
- **A.301 Rev A – Proposed House South and East Elevation**
- **A.004 – Proposed Landscape Strategy**
- **A.303 – Proposed Material Mood Board**
- **A.400 Rev A – Proposed Extension Sections**
- **A.002 Rev A – Proposed Site Plan**
- **A.401 Rev A – Proposed Section Renovation Works**
- **A.004 – Proposed Landscape Strategy**
- **Clwydian Ecology – Protected Species Survey – 12th of May 2022**
- **Clwydian Ecology – Bat Activity Survey – 9th August 2022**

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

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

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

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

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 2, PCYFF 3, AMG 1

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



Application Reference: VAR/2022/48

Applicant: Susan Madine & Diane Broad

Description: Application under Section 73 for the variation of condition (04) of planning permission reference 45C260B (Full application for change of use of the existing building from A1 (retail) to mixed use A1 and A3 (retail and food and drink)) so as to change the existing opening hours at

Site Address: Madryn House, Pen Dref Street, Newborough



**Report of Head of Regulation and Economic Development Service (Colette Redfern)**

**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 Arfon Wyn.

At it's meeting held on 5<sup>th</sup> October the Committee resolved to approve a temporary permission to extend the opening hours of the premises until 10pm each day. The recorded reasons being as follows;

- i. There are three other establishments in close proximity of the application site with later opening times. What is the difference between the current application and adjoining premises

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;

i. Whilst it is acknowledged that the nearby pubic house is open late into the evening the premises have been in operation more than 100 years. Occupants of the neighbouring properties were therefore aware that the premises was a public house when purchasing neighbouring properties. The Premier Stores which is located directly opposite the current application site is open until 9pm. The neighbouring property on Chapel Street is the Fish and Chip shop and is open until 7.30/8:30pm.

The current application site was a former post office with the standard opening hours. Extending the hours of the premises will have a detrimental impact on the amenities currently enjoyed by the occupants of the adjoining properties. The proposal includes the provision of external seating area for customers on the pavement outside the premises. The use of this area by customers late into the evening will have a detrimental impact on the occupants of the adjoining properties along Pendref Street. .

Policy PCYFF 2 of the Anglesey and Gwynedd joint Local Development Plan states that planning permission will be refused where the proposed development would have an unacceptable adverse impact on:

7. The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increase activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance;

The proposal therefore conflicts with Policy PCYFF 2 of the Anglesey and Gwynedd Joint Local Development Plan.

## **Conclusion**

Extending of the opening hours of the premises until 10pm each day, albeit for a temporary period of 2 years, cannot be supported as the proposal would by reason of noise and number of visitors to the establishment together with the use of the outside seating area would detrimentally affect the amenities of the neighbouring residential properties and is contrary to local and national policies.

## **Recommendation**

That the application is refused for the following reason:

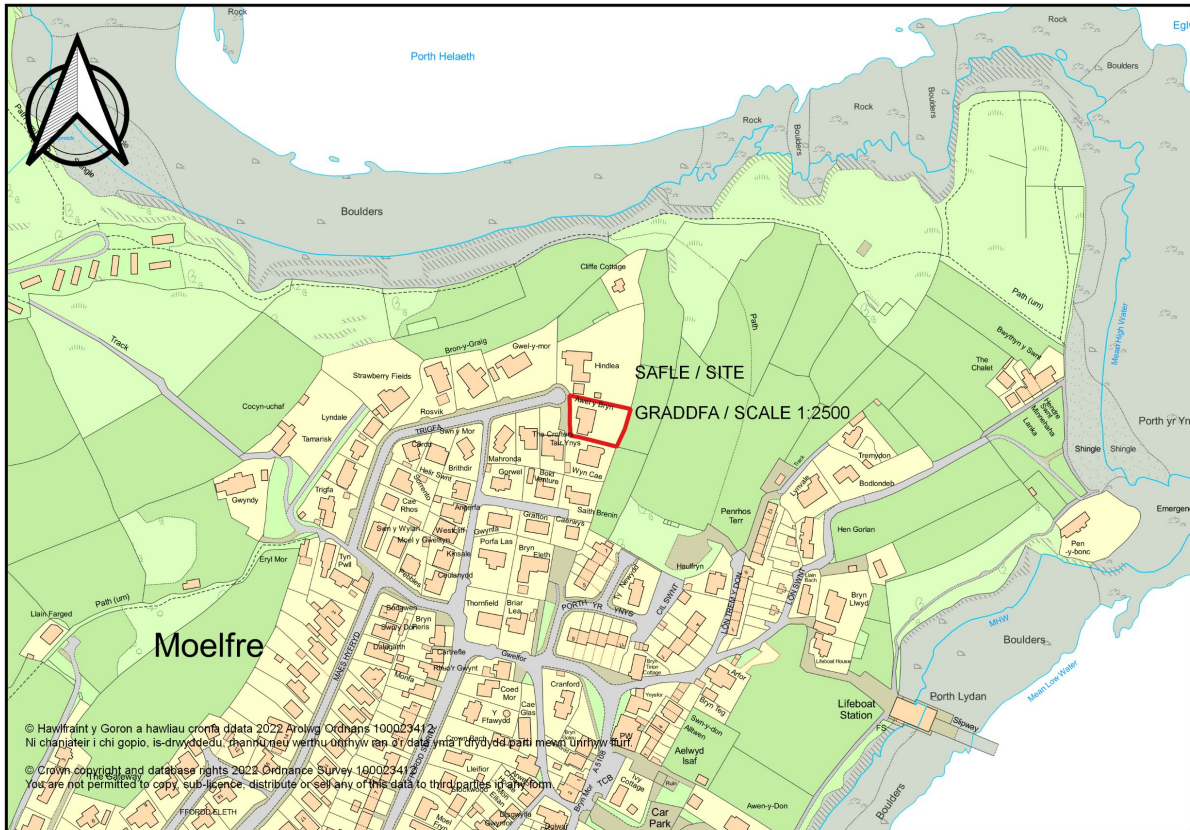
(01) The local planning authority consider that extending the hours of operation will adversely affect the amenities of the occupants of nearby properties by reason of noise and general disturbance and is therefore contrary to Policy PCYFF2 of the Gwynedd and Anglesey Joint Local Development Plan

Application Reference: HHP/2022/171

Applicant: Mr & Mrs D Adams

Description: Full application for alterations and extensions with Juliet balconies at

Site Address: Awel Y Bryn, Trigfa, Moelfre



**Report of Head of Regulation and Economic Development Service (Huw Rowlands)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

Call In At the request of the Local Member - Councillor Ieuan Williams.

At the meeting held on the 5th October 2022, members resolved to visit the site. The virtual site visit took place on the 19th October 2022 and members will now be familiar with the site.

**Proposal and Site**

The application received is for the erection of new dormer windows to the front and rear elevations of the detached property of Awel Y Bryn, Trigfa, Moelfre to create a new 1st floor living space at the roof space of the existing single storey property.

## Key Issues

The key issues are if the proposal complies with current policies, if the proposal is an overdevelopment of the site and whether the proposal would have a negative impact on the existing building, the surrounding area or neighbouring residential properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 2 – Development Criteria  
Policy PCYFF 3 – Design and Place Shaping  
Policy TRA 2 – Parking Standards  
AMG 1: Area of Outstanding Natural Beauty Management Plans

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

Technical Advice Note 12: Design (2016)

Planning Policy Wales (Edition 11, February 2021)

### Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice Given
Cynghorydd Euryr Morris	No Response
Cynghorydd Margaret Murley Roberts	No Response
Cynghorydd Ieuan Williams	Application to be referred to Committee
Cyngor Cymuned Moelfre Community Council	<p>Following a meeting of the Community Council above last night where two members of the public attended, they represented many of their neighbors on the Trigfa estate, Moelfre. The Council has listened to their argument against this application and as a result, the Council notes a very strong opposition to the Application. Relevant and intelligent comments were put forward by both of them and this was enough to raise concern on every member and everyone was unanimously against it.</p> <p>Broadly, these are some of the comments raised:-</p> <p>The property was originally a 2 bedroom bungalow but now with extensions, a pod in the garden and a further request to make an extension, it will be possible for between 12 and 16 people to sleep here.</p> <p>The wall at the front of the house has been demolished to make room for 4 cars to park there (no information if a planning application has been</p>

	<p>made for it). Having said this, where will any other car be parked? There's not much room to turn in that corner as it is.</p> <p>At the back of the garden, there is a pod, a hot tub, and an outdoor patio with seating for many people. Although you don't have to get permission to place these things in a garden, the residents' concern is parties late at night in a quiet little corner of this estate with maybe 16 people making a fuss.</p> <p>If this was originally a property with two bedrooms, taking into account the possibility that 16 people were staying here, what about the carport system? Is the septic tank sufficient now?</p> <p>Balcony – Many of the houses around the estate have a balcony but none as large as what is in the application so it will not suit the area.</p> <p>The residents and also the members believed that this will be a start as the owner has bought a piece of the field which is at the back of the garden and the rumor is that he has said that more pods will go there. We understand of course that there is no proof of this but the concern is that this will happen as a result of this application being accepted.</p>
<p>Priffyrdd a Trafnidiaeth / Highways and Transportation</p>	<p>I can confirm that I have no objections.</p> <p>I would however advise that the applicant ensures that he has run everything through with they're neighbors in regards to the construction phase as there is a potential to block them in given that a number of properties lie at the end of the cul-de-sac.</p>

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 08/09/2022. At the time of writing this report 2 web comments of objection have been received together with approx 17 Letters of Objection. The main comments summarized were as follows:

- Access and Parking/Vehicle Concerns of additional bedrooms to property.
- Blocked access to Emergency Vehicles, Delivery vans, post vans and Refuse Collection at the location of the end of this Cul-De Sac of the Trigfa residential estate
- Noise pollution/concerns, loss of Peace and Quiet of immediate residential area with the additional occupants
- Capability for the amended property of sleeping 12+ people, "Party House" with potential for late night noise.
- Overdevelopment - Cumulative effect of other previous developments at the site, Garage conversion to accommodate 6 people (Various descriptions of this converted room received: En suite bedroom/Cabin Room/3 bunk beds) and a "Glamping pod" unit (sleeps 2) at the side elevation of the property. Also a new Patio, Hot Tub and fire pit also placed at the rear garden of the property.
- Use of amended property – Property previously advertised as a holiday let business (As recently as 2020)

- Development contributes nothing to immediate area nor the village or Island. Detrimental Impact
- Effect on Privacy of a new “upper floor”
- Out of Character with the estate / Non-cohesive
- Community eroded by intermittent arrival of a sizeable number of short term visitors in which this developments add to.
- Previous flouting of planning rules with the removal of a dry stone wall and extension of the rear garden of the property.
- Loss of light / Overshadowing created by the placement of the new dormer windows.
- Change of 2 bedroom single storey property to a 5 bedroom two storey “monstrosity”
- Possible increase of refuse at the property resulting in possible seagull nuisance and increased vermin.
- Loss of Sea Views to neighbouring properties
- Property a business venture with the proposed extension to increase the revenue received from letting the property out.
- Effect on AONB
- Noise and nuisance caused by existing on going building works at the site
- Safety concerns as Previous fire at the property.

In the response to the large amount of comments received for this application a Justification Statement was requested and received by the agent of the application. It is considered the justification statement provided the required additional information to provide an adequate response to the concerns raised. I have briefly stated a response to the summarized comments above:

- Main consideration with the application is regarding parking concerns. No objection is noted by the Highways department for this application. Nevertheless a Parking Diagram has been submitted as part of the Justification statement displaying space for up to 5 cars on the driveway of the property.
- It is considered the parking will be off road for the owners of this property, not affecting access to the Cul-De-Sac
- The application is for 2 additional bedrooms and Snug area for the property. The use class C3 Dwellings has been specified to remain. It is therefore considered as there is no change of use of the property that the noise levels will remain the same as existing.
- It has been confirmed by the applicant that the use of the property is to be as a dwelling for family use only not as a holiday let business as previously listed. The planning Department cannot speculate on a use of a property and take applications at face value by the information provided.
- It is considered the development of 2 additional bedrooms and “snug” area is not an overdevelopment of the existing site as the footprint remains the same, similar style dormer extensions are within the estate and the extension is subservient towards the existing main dwelling
- As previously stated the department cannot be speculative on the use of the site. As the property is currently a residential property we take it upon us that the use class of C3 Dwelling is the current and intended use.
- The proposal provides additional living space to the occupants of the property
- It is considered any overlooking issues are to be kept to a minimal as the new dormers at the front of the property are facing the public residential road whilst the rear Juliette balcony dormer roof extensions face the rear garden of the property. As the balconies are Juliette style balconies they do not extend out of the dormer extension and will be difficult to peer out on to neighbouring properties.
- The site had a similar previous planning application approved in 2010 for a previous dormer 1st floor extension. The justification statement also includes similar style dormer roof extensions within the estate.
- Cannot comment on dry stone wall, separate issue
- As previously stated the extension is within the roof of the detached property and no additional overshadowing is to be created at the site.
- Cannot police in planning terms the amount of bedrooms that are within a residential C3 Dwelling
- Refuse is not relevant issue as the use of the property is to remain the same
- Loss of sea views is not considered a planning issue
- As the application is a small scale householder it is considered the impact on AONB is to remain the same impact as the existing modernized property.

- On a planning perspective unable to comment on existing building works at the site as are not relevant to the application received.
- Safety concerns – The property will need to comply with Building Regulations department if Planning permission is granted.

### **Relevant Planning History**

40C262 - Addasu ac ehangu yn / Alterations and extensions at - Awel y Bryn, Trigfa Estate, Moelfre – Tynnwyd yn Nol / Withdrawn

40C262A - Addasu ac ehangu yn / Alterations and extensions at Awel y Bryn, Moelfre. Caniatau / Permitted 14/02/2006

40C262B - Adnewyddu caniatad cynllunio rhif 40C262A ar gyfer addasu ac ehangu yn / Renewal of planning permission ref 40C262A for alterations and extensions to - Awel y Bryn, Trigfa Estate, Moelfre. Caniatau/Permitted 28/01/2011

### **Main Planning Considerations**

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

### **Siting and Design:**

The proposal is for the erection of roof dormer windows to include to the detached single storey property of Awel Y Bryn for the creation of a new 1st floor living area to include 2 new double bedrooms with en suites and a Snug area in the middle adjoining the 2 new bedrooms. The proposed dormers to the front and rear elevations allow the existing roof space to be utilised to provide additional accommodation for the applicants without increasing the overall footprint of the property. The proposed new dormer windows are to be flat roofed with horizontal cladding, similar in design to other dormer roof extensions in the immediate vicinity of the residential estate. It is also confirmed the overall roof height will not be increased with this proposal or extend beyond the main external walls of the property, subservient in size and scale to the main existing dwelling.

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.

Previous planning at the property site include planning approvals granted for a similar scheme for 1st floor living accommodation at the property (see planning ref: 40C262B approved 20/12/2010). This scheme included 2 new 1st floor bedrooms and a substantially sized central rear dormer with a veranda. This previously approved scheme has many similarities in comparison to this current application submitted in terms of size and scale.

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 as the property is to have the same footprint to existing structure at the site

The form and proportion of the development also respect the character of the surrounding built environment and landscape in accordance with the guidance provided in the following Supplementary Planning Guidance Notes:

- Design Guide for the Urban and Rural Environment (2008).

### **Adjacent Residential Properties:**

Awel Y Bryn is a detached residential property located at an end of a cul-de-sac of detached residential properties within the greater estate of Trigfa at the coastal town of Moelfre. Neighbouring properties are towards the North and South side elevations of the dwelling with a residential road / cul-de sac towards the front elevation and no immediate neighbours towards the rear elevation of the property (fields include a public footpath towards the headland of Moelfre).

Policy PCYFF 2 ensures the development is acceptable if the proposed development would not have an unacceptable adverse impact on:

The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.

It is considered any overlooking issues are to be kept to a minimal as the new dormers at the front of the property are facing the public residential road whilst the rear Juliette balcony dormer roof extensions face the rear garden of the property and fields at the rear of the property with views towards the sea. As the balconies are Juliette style balconies they do not extend out of the dormer extension and will be difficult to peer out on to neighbouring properties. It is considered the proposal complies with Policy PCYFF 2.

### **Parking / Highway Concerns:**

No objection is noted by the Highways department for this application. A Parking Diagram has been submitted as part of the Justification statement displaying space for up to 5 cars on the driveway of the property, complying with Parking Standards for use Class C3 Dwellings which requires 4 car parking spaces for a 5 bedroom dwelling on any new development. The justification statement also displays the two roads serving the property providing adequate access for emergency vehicles, deliveries, bin collections etc. and that the proposal site is not reliant on on-street parking.

### **Use of Dwelling:**

In regards of current policy and regulations the planning department cannot police use of C3 dwellings being let out as single unit holiday lets. Nevertheless confirmation from the agent has been received that the use of the property is for the applicant and for their large family only.

It is understandable the use of the property has been a contentious issue as the property has been previously advertised as a holiday let business in the past and the issues that arise with such a business have been felt by the neighbouring residents within the immediate area. The site is no longer advertised as such a business online. We as a department must accept applications at face value with the information provided as part of the application. It is considered the justification document provides an adequate response to concerns raised during the consultation/notification process by providing further clarification of the residential use of the dwelling.

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 WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.



## **Conclusion**

It is considered that the proposal is acceptable in land use planning terms. The Proposed development is subservient to the existing property in respects of scale and size and does not dominate the original elevation, therefore it is appropriate to the dwelling and its surrounding area.

## **Recommendation**

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

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

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

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

- **A(300)01 – Planning Drawing – Proposed Floor Plans & Sections**
- **A(300)02 Revision A – Planning Drawings Proposed Elevations**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 2, PCYFF 3, TRA 2, AMG 1

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/2022/66

Applicant: Mr. Dafydd Owen

Description: Full application for the change of use of land into a car parking area at

Site Address: Porth Wen, Llanbadrig



**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 Aled Morris Jones.

At its meeting held on the 5<sup>th</sup> October the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- The proposal would combat existing parking and highway safety problems by providing a safe off road parking area.
- The proposal would protect the landscape (a designated Area of Outstanding Natural Beauty) and highway verges from damage.

- On condition that overnight parking is prohibited and that the site is cleared and locked overnight.

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 would combat existing parking and highway safety problems by providing a safe off-road parking area.

The LPA acknowledge that there are existing traffic and parking issues in this particular locality and that the provision of a dedicated parking area would go some way to alleviate those issues. However, as noted in the earlier report, the LPA are of the opinion that the primary reason that this particular area is so popular, is the presence of the nearby Porth Wen Brickworks and it is again emphasised that the Brickworks are located on private property with no public access and where there are known health and safety concerns, consequently access to the site, without the permission of the landowner constitutes unlawful trespass.

The LPA remain of the opinion that the provision of a car parking facility in this location, would likely lead to an increase in visitors to the area, and to the Brickworks in particular. Given the fact that the Brickworks is private property, outside the applicant's ownership and with known health and safety concerns, the LPA consider that it may be imprudent for the Council to be seen to be encouraging or facilitating trespassing on private property.

The Local Member made reference during the meeting to several other attractions along the coast and whilst these are noted, they are in fact some distance away from the application site, closer to the village of Cemaes and do not account for the traffic and parking issues in this particular location. In addition and with the exception of the former Llanlleiana porcelain works, they are all also publicly accessible.

Notwithstanding, that the proposal may serve to combat the traffic and parking issues the development must otherwise accord with relevant development plan policies.

Policy TWR 1 of the JLDP relates to visitor attractions and facilities and states that:

*Proposals to develop new visitor attractions and facilities or to improve and extend the standard of existing facilities will be encouraged to locate to sites within the development boundary.*

*Where there are no suitable opportunities within the development boundary, only proposals that involve the following will be granted:*

1. *The re-use of an existing building(s) or a suitable previously used site; or*
2. *The re-use of an existing building(s) or a site closely related to other existing buildings that forms part of an existing tourist facility; or*

3. *An activity restricted to a specific location due to its appropriate use of a historical or natural resource or its proximity to the attraction to which it relates.*

The proposal neither makes use of an existing building or previously used site, is not closely related to or part of an existing tourist facility and does not involve an activity that is restricted to this specific location due to its appropriate use of a historical or natural resource or its proximity to the attraction to which it relates.

The proposal is therefore plainly contrary to policy TWR 1 and there is simply no policy basis under which to support the development.

- The proposal would protect the landscape (a designated Area of Outstanding Natural Beauty) and highway verges from damage.

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.

*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'*

The installation of the proposed grass reinforced mesh would have localised adverse visual effects restricted to the site and immediate surroundings. When in use, parked vehicles will be prominent with temporary effects. Other structures such as barriers/bins/signage would if needed have more permanent effects.

Notwithstanding that the proposal would help to protect the roadside verges from damage cause by vehicular parking, it is the effects of the proposal itself upon the landscape which must be considered in terms of judging the acceptability of the development. The LPA consider that proposal would neither conserve nor enhance the special qualities of the AONB and would arguably lead to greater harm to the designated landscape than that caused by the traffic and parking issues. There is therefore no compelling

need or justification for the development in this particular location which would outweigh the value of the site and national policy protection. The proposal is therefore contrary to policy AMG 1 of the JLDP.

- On condition that overnight parking is prohibited and that the site is cleared and locked overnight.

The LPA do not consider that the imposition of the condition would overcome the fundamental conflict with development plan policies as outlined above.

### **Recommendation**

That the application is refused for the following reasons:

(01) The Local Planning Authority considers that the proposal would result in an unacceptable and unjustified development in the open countryside unrelated to any existing tourist attraction contrary to the provisions of policies PCYFF1, PS14 and TWR1 of the Anglesey and Gwynedd Joint Local Development Plan.

(02) 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 PS19 and AMG 1 of the Anglesey and Gwynedd Joint Local Development Plan.

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**Planning Committee:** 02/11/2022

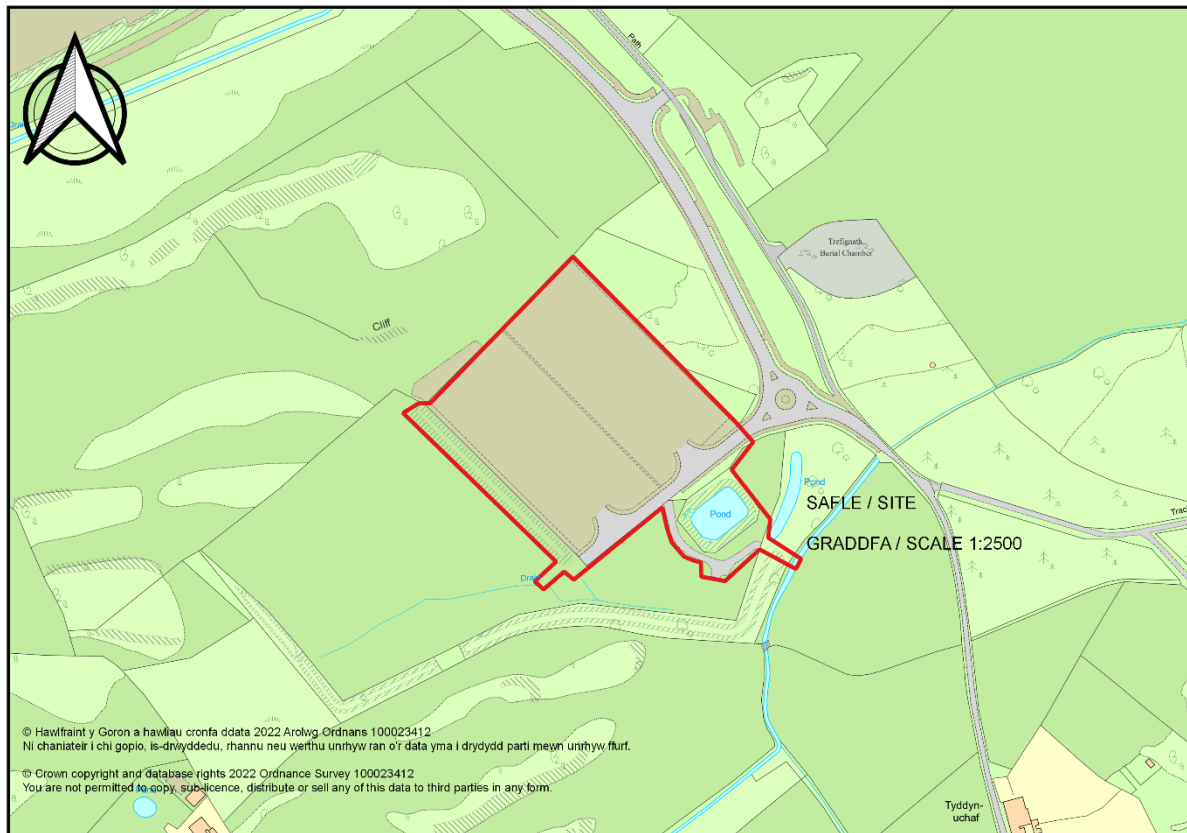
**12.1**

**Application Reference:** DIS/2022/68

**Applicant:** Llywodraeth Cymru

**Description:** Application to discharge condition (07)(signage scheme) of planning permission FPL/2022/65(for the retention of HGV parking area and associated works for a temporary period of 12 months) at

**Site Address:** Plot 9 (eastern half), Parc Cybi, Holyhead



**Report of Head of Regulation and Economic Development Service (Colette Redfern)**

**Recommendation:** Condition Partially Discharged

**Reason for Reporting to Committee**

The application is to discharge condition imposed by the Planning and Orders Committee under planning application reference FPL/2022/65 "Full application for the retention of HGV parking area and associated works for a temporary period of 12 months at Plot 9 (Eastern Half), Parc Cybi, Holyhead" at it's meeting that was held on the 15th June, 2022.

## Proposal and Site

This is an application to discharge condition (07) (signage scheme) of planning permission FPL/2022/65 (retention of HGV parking area and associated works for a temporary period of 12 months) as Plot 9, Parc Cybi, Holyhead.

## Key Issues

The key issue is whether the statutory consultees are satisfied that the information submitted is sufficient to discharge the conditions.

## Policies

### Joint Local Development Plan

Policy TRA 4: Managing Transport Impacts

### Response to Consultation and Publicity

Consultee	Response
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response to date
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing this report

There was no requirement to carry out publicity as part of this planning application.

## Relevant Planning History

19C842A/EIA – Cais am ar gyfer datblygiad arfaethedig ardal defnydd cynysg swyddi (B1, B2, B8) yn cynnwys swyddfeydd, diwydiant a defnydd gwesty ynghyd a creu mynedfa newydd i gerbydau ar dir ger / Outline application for the mixed used development comprising of employment (B1, B2, B8) to include offices, industrial use and hotel together with the construction of a new vehicular access at Ty Mawr, Holyhead – Caniatáu / Permit 07/03/2005

SCR/2021/84 - Barn sgrinio ar gyfer gwaith peirianneg, draenio a threfniadau dyluniad safle ar gyfer parcio lorïau HGV ynghyd â chabanau llesiant staff cysylltiedig ar dir yn / Screening Opinion for engineering, drainage and site layout arrangement for the parking of HGVs, together with related staff welfare cabins on land at - Plot 9, Parc Cybi, Caergybi / Holyhead - Dim Angen AEA / EIA Not Required 93/12/2021

PAN/2021/19 - Hysbysiad mewn perthynas â cham 2 o'r gwaith yn / Notification in respect of phase 2 of works at - Plot 9 Parc Cybi, Caergybi / Holyhead – Datblygiad a Ganiateir / Permitted Development

FPL/2022/65 - Cais llawn i gadw maes parcio HGV a gwaith cysylltiedig am gyfnod dros dro o 12 mis yn / Full application for the retention of HGV parking area and associated works for a temporary period of 12 months at - Plot 9 (Eastern Half), Parc Cybi, Caergybi / Holyhead - Caniatáu / Permit 21/06/2022



## **Main Planning Considerations**

Planning permission was granted under planning application reference FPL/2022/65 for the retention of HGV parking area and associated works for a temporary period of 12 months at Plot 9 (Eastern Half), Parc Cybi, Caergybi / Holyhead.

Condition (07) of planning application reference FPL/2022/65 requested the applicant provide details of all internal and external signage for the site. The reason for the condition was to safeguard and maintain the Welsh language and Culture.

Drawing number 400757-MMD-EP-09-DR-C-0004 has been received from the applicant which confirms that the signage scheme will be bi-lingual. The Highway Authority have also confirmed that the details submitted are acceptable and raised no objection to the scheme.

## **Conclusion**

Sufficient information has been received to discharge condition (07) (signage scheme)

## **Recommendation**

That the condition is partially discharged

Application Reference: FPL/2022/189

Applicant: Mr Ricky Danis

Description: Retrospective application to retain the use of a flat at

Site Address: Bilash, Dew Street, Menai Bridge



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application has been called in by Councillor Robin Williams

**Proposal and Site**

The application site lies within the main nucleus of Menai Bridge and is accessed along a narrow metalled road known as Dew Street. The site also lies within the Menai Bridge Conservation Area.

This planning application is a retrospective application for the retention of a flat at a former bakery building.

## Key Issues

The key issues is are;

- whether the proposed development complies with the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan
- whether the proposed development impacts adversely upon surrounding amenities and;
- whether the proposed development has an adverse impact on the Menai Bridge Conservation Area

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy TAI 2: Housing in Local Service Centres

Strategic Policy PS 1: Welsh Language and Culture

Policy TAI 8: Appropriate Housing Mix

Policy TAI 15: Affordable Housing Threshold & Distribution

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

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Strategic Policy PS 5: Sustainable Development

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 5: Carbon Management

Policy PCYFF 6: Water Conservation

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 Alun Wyn Mummery	No response received
Cynghorydd Dyfed Wyn Jones	No response received
Cynghorydd Robin Wyn Williams	Call in into the planning committee
Cyngor Tref Porthaethwy / Menai Bridge Town Council	Observations from members of the town council is that the property area and surrounding area is untidy also consideration should be given to a better design. It was formerly used as a store for Co-Op located on the high street.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection to the planning application
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comment relating to planning policies within the Anglesey and Gwynedd Joint Local Development Plan.

Dwr Cymru Welsh Water	Comments. Request to place planning conditions if the local planning authority is minded to grant planning application.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response received
Ymgynghorydd Treftadaeth / Heritage Advisor	No comments from a built heritage perspective

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The latest date for the receipt of any representation was the 17/08/2022. At the time of writing this report, six letters of representation had been received at the department. Their concerns were:

- I feel this unit is so small and is unsuitable for a flat
- I note that this retrospective planning application refers to a garage structure which has been used as a residential dwelling for a period of time. This property is nothing more than a garage structure in terms of planning regulations. This application ought to be declined as the area surrounding is a commercial premises and is therefore wholly unsuitable as a dwelling.
- This garage was utilised as storage for a bakery for many years. It is too small and unsuitable for use as residential.
- it is only a little larger than a single garage.
- I object to the application made by Mr Ricky Danis for retrospective planning permission for the flat on Dew Street. The building is made of sub-standard materials and has been built to fill the area behind an existing business warehouse. The dwelling has filled the whole area with no access to the back or sides. There are no parking rights and the building is unsightly and I fear that by approving Mr Danis's application this could set a precedent where any of the garages or empty spaces could be filled with similar 'shanty town' dwellings.

The majority of the representations submitted relate to the size of the unit. These will be addressed within the main body of the report.

The matter of building material quality lies beyond the remit of Planning Control and is covered within separate legislation. Nevertheless, the local planning authority have referred these concerns onto the agents for information.

Highway concerns will also be addressed within the main body of the report.

### **Relevant Planning History**

No planning history at this location.

### **Main Planning Considerations**

This application is made under retrospective planning application for the use of the building as a residential flat at Dew Street, Menai Bridge.

The proposal entails the conversion and retention of unauthorised works carried out to create a residential unit. No new extensions are proposed as part of the current proposal.

The use of the building as a flat first commenced in 2005. Whilst mechanisms exist by way of S.191 of the Act to regularise matters through the submission of a Certificate of Lawful Use, such provision cannot be relied upon in this instance given the fact that the residential use has not been continuous and un-interrupted for a period of at least 4 years from date of submission. As such, a planning application has been presented in an effort to regularise the issue as a result of the Enforcement Sections intervention of matters.

The internal floor area of the building measures 32.3 square metres. The flat consist of a living room with a kitchen area and a separate bedroom which includes an en-suite. Following public representations received in relation to the scale of the flat/building, consultations were carried out with officers from the Public Protection department to ensure that the scale of the building is sufficient to be used as a living accommodation. By way of a response to the consultation the following was received:

The property is comprised of a living room/kitchen, bathroom and bedroom. The bedroom measured 11.76 square meters. As per Section 326 of the Housing Act 1985, this property would be suitable for up to 2 persons (provided the 2 persons are living together as a married couple or civil partners).

### **Policy Considerations**

In the JLDP Menai Bridge is identified as a Local Service Centre under Policy TAI 2 (Housing in Local Service Centres). It is noted that the proposed site is located within the Menai Bridge development boundary as noted in the Anglesey and Gwynedd Joint Local Development Plan. In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations.

The indicative provision for Menai Bridge over the Plan period is 115 units (74 units on allocated sites and 41 units on windfall sites) (which includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc.). During the period of 2011 to 2021, a total of 69 units have been completed in Menai Bridge (15 on allocated sites and 54 on windfall sites). The total landbank (windfall and allocated sites), i.e. sites with existing planning consent, and likely to be developed at April 2021 stood at 53 units). When considering all this information together, there is insufficient capacity within Menai Bridge for this additional windfall unit.

The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Councils to determine what type of sites will supply housing i.e designation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level (including 10% slippage) for Local Service Centres is 1754 units. 859 units were completed between 2011 and 2021 in all Local Service Centres and that 493 units were in the land bank. This means that there is a current shortfall of 402 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centres category.

However, as the settlement can achieve its expected level of growth on sites through units completed, implementation of the current land bank and development of the allocated site, this application will need to be justified outlining how the proposed development is addressing the needs of the local community.

In accordance with the above requirements, details have been submitted to demonstrate the need for the development in the area and the policy section has confirmed that the information is acceptable to meet the needs of the Local Service Centre.

In light of the position in relation to the indicative provision outlined above, in line with criterion (1b) of Policy PS 1 the application was required to be supported with a Welsh language statement. A Welsh Language Statement was submitted and is considered to meet the tests of Policy PS1.

In line with Policy TAI 8 consideration will need to be given over whether the development addresses evidence of need and demand for housing recorded in a Housing Market Assessment and other relevant

local sources of evidence. The Housing Section has confirmed that there is a need for this type of development in the area.

Policy TAI 15 seeks an appropriate provision of affordable housing. It has a threshold figure of 2 or more units within Local Service Centres such as Menai Bridge. Since only one dwelling is being proposed in this development Policy TAI 15 is not relevant in this case and it is not necessary to provide an affordable element.

### **Conservation Area**

The site is located within the Menai Bridge Conservation Area. Therefore, the proposal has been considered against Policy AT1 ('Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens') of the JLDP. The Heritage officer has confirmed the following:

Developments within the area should seek to 'preserve or enhance' the character of the designated area.

The proposals appear to be in relation to internal alterations and change of use with no external alterations that would impact upon the character of the conservation area. Consequently, I have no comments from a built heritage perspective.

In effect its visual impact is not significant, obtrusive, nor dominating bearing in mind the existing built form, local topography, and its overall design and appearance; it would not result in visual harm to either the site or the wider area.

### **Design**

No new extension or external alterations are proposed for this flat – only the existing footprint of the building will be used as a one bedroom dwelling. It is considered that utilising it as a residential unit rather than allowing it to fall into disrepair will result in a long term improvement to the surrounding area.

The scale and nature of change proposed coupled with its containment within the existing tightly knit built form creates a form of development where there would be no significant impacts on the character or appearance of the immediate area or the wider street scene. It is considered that the proposal therefore complies with the requirements of Policy PCYFF3

### **Highways**

Whilst mindful of the comments received from members of the public the Highway Authority raises no objection to the proposed development. The site lies in a sustainable location within walking distance of all local amenities and public transport routes. In addition, given the very low number of vehicles expected to visit the site I am satisfied that there would be adequate parking provision. The proposal would not, therefore, cause unacceptable harm to the safe and efficient operation of the highway and would comply with LDP Policy TRA 4.

### **Adjacent Residential Properties**

It is not considered that the proposed development will impact any residential properties. Only two windows serve the proposal which look out towards an alley and a yard at the rear. It is not considered that the proposal will result in any increase in terms of overlooking over and above that which already exists on the site.

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 WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with

the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **Conclusion**

On balance, for the reasons I have given and having regard to all matters raised, it is considered that the proposed development complies with the relevant planning policies and the recommendation is one of approval subject to planning conditions.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) 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: 3014-22-1**
- **Site Plan - 3014-22-2**
- **Elevation and Floor Plan - 3014-22-4**
- **Welsh Language Assessment**
- **Justification for the development**

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

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

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

**(03) Within 6 months of the date of this planning permission, a sparrow box shall be placed on the building. Thereafter the sparrow box shall be retained in perpetuity.**

Reason: In the interest of ecological biodiversity

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, TAI 2, Policy PS 1, TAI 8, TAI 15, AT 1, TRA 4, TRA 2, PS 5, PCYFF 2, PCYFF 3, PCYFF 4, PCYFF 5, PCYFF 6

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

Application Reference: FPL/2022/53

Applicant: Watkin Jones & Son Ltd

Description: Full application for the erection of 22 open market dwellings and 1 affordable dwelling, alterations to the existing access, creation of an internal access road together with associated works on land adjacent to

Site Address: Cae Braenar, Penrhos, Holyhead



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

Recommendation: Permit

Reason for Reporting to Committee

The application is presented to the planning and orders committee at the request of the local member.

Proposal and Site

The application site comprises approximately 0.8 hectares of land which is currently overgrown within the development boundary of Holyhead. The land is situated to the North of Ysbyty Penrhos Stanley. To the North boundary is Cae Braenar estate, To the West is Cae Braenar and Digwey Close estates and to the



South is Lewascote estate. Access to the site will be via Cae Braenar estate and also includes a pedestrian access.

The application site as well as land to the east towards the sea is identified as protected open space/play area in the JLDP; however, consideration must be given to the fallback position for 14 dwellings which has been lawfully implemented. The trees on the north-east and south-west boundaries are protected by a Tree Preservation Order.

This is a full application for the erection of 23 affordable dwellings, alterations to the existing access, creation of an internal access road together with associated works.

The proposal constitutes a major planning application which has been subject to statutory pre-application consultation process. The requirement to carry out a pre-application consultation is set out in Section 17 of the Act and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended by the 2016 Order.

### **Key Issues**

- Principle of Residential Development
- Design
- Open Space
- Highway Considerations and Sustainability
- Drainage
- Ecology and Biodiversity Considerations
- Japanese Knotweed
- Landscape
- Relationship with Adjacent Properties
- Welsh Language and Culture

### **Policies**

#### **Joint Local Development Plan**

PS 1: Welsh Language and Culture  
ISA 1: Infrastructure Provision  
ISA 4: Safeguarding Existing Open Space  
ISA 5: Provision of Open Space in New Housing Developments  
PS 4: Sustainable Transport, Development and Accessibility  
TRA 2: Parking Standards  
TRA 4: Managing Transport Impacts  
PS 5: Sustainable Development  
PS 6: Alleviating and Adapting to the Effects of Climate Change  
PCYFF 1: Development Boundaries  
PCYFF 2: Development Criteria  
PCYFF 3: Design and Place Shaping  
PCYFF 4: Design and Landscaping  
PCYFF 6: Water Conservation  
PCYFF 5: Carbon Management  
PS16: Housing Provision  
PS17: Settlement Strategy  
TAI 1: Housing in Sub Regional Centre & Urban Service Centres  
TAI 8: Appropriate Housing Mix  
PS18: Affordable Housing  
TAI 15: Affordable Housing Threshold & Distribution  
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character

AMG 5: Local Biodiversity Conservation  
 PS 19: Conserving and where appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 11)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)  
 Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)  
 Technical Advice Note (TAN) 12: Design (2016)  
 Technical Advice Note (TAN) 18: Transport (2007)  
 Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance Affordable Housing (2004)  
 Supplementary Planning Guidance IOCC Deign Guide for the Urban and Rural Environment (2008) “SPG Design Guide”  
 Supplementary Planning Guidance Parking Standards (2008)  
 Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2008)  
 Supplementary Planning Guidance Housing Mix (October 2018)  
 Supplementary Planning Guidance Maintaining and Creating Distinctive and Sustainable Communities.  
 Supplementary Planning Guidance Open Space in New Residential Development (2019)

### Response to Consultation and Publicity

Consultee	Response
Bwrdd Iechyd Betsi Cadwaladr Health Board	No response at the time of writing the report.
Cynghorydd Pip O'Neill	The proposal is unacceptable, not in keeping with the surrounding area, impact on the living standards of the community. Pressure on existing services in the area and Highway concerns.
Dwr Cymru/Welsh Water	Confirmed that they have no objection to the proposal with appropriately worded condition.
Ymgynghorydd Tirwedd / Landscape Advisor	Conditional Approval.
Iechyd yr Amgylchedd / Environmental Health	Standard comments in relation to working hours, vibration and contaminated land.
Draenio Gwynedd / Gwynedd Drainage	Confirmation has been received that an application will need to be submitted to the SAB .
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Standard policy comments and confirmation no open space provision will be required due to a £10k contribution already being paid under the previous fallback planning application.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Satisfied with the proposal with appropriately worded conditions.
GCAG / GAPS	No recommendation for mitigation.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objections raised to the proposal, satisfied with the Construction Traffic Management Plan submitted and recommendation of approval subject to relevant highway conditions.

Gwasanaeth Addysg / Education Service	There will be a requirement to provide a financial contribution of £110,313 towards facilities at Ysgol Llanfawr.
Strategol Tai / Housing Strategy	Confirmation received on the need for affordable housing in Holyhead and confirmation that there is appropriate housing mix within the site.
Cyfoeth Naturiol Cymru / Natural Resources Wales	NRW has confirmed that the information submitted is acceptable and recommends approval subject to a condition which relates to the ecological information.
Cynghorydd Jeff M. Evans	Requested the application is called in to the planning committee for consideration due to the proposal not being in keeping with the character and appearance of the area in terms of siting, appearance, height and scale. There is also Japanese Knotweed on the site. Parking, traffic and road safety concerns.
Cyngor Tref Caergybi / Holyhead Town Council	Objection: Overshadowing and privacy, Increased traffic, and out of character with the area.
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No comments due to no requirement to provide Welsh Language Statement.

The application was advertised by means of individual letters to neighbouring properties and a notice was placed in the local newspaper. The expiry date to receive representations ended on the 8<sup>th</sup> September, 2022. To date a total of 32 objection letters had been received, the main comments as follows:-

- Overdevelopment, overbearing and overlooking issues
- Adequacy of sewers, electric and water
- Trees cut down already on the site
- Access too narrow on a bend, inadequate for passing vehicles especially during construction works and is this safe for children
- Cae Braenar estate road already in poor condition and narrow and cannot accommodate additional traffic.
- Construction Traffic
- Is there sufficient space in local schools and impact on Health Board
- Impact on the Welsh Language and the need for a Welsh Language Statement
- Proposal will have impact on amenity/overlooking of adjacent residential properties which are privately owned
- De-value existing properties
- Land is designated Open Space in JLDP
- Residents not given opportunity to comment on previous historical planning application
- The land is currently used by the community
- Need for this site as other sites offer affordable housing in Holyhead
- Detailed ecology report not carried out
- Fence should be erected around the boundary of the site
- Site designated AONB
- Impact on Ecology
- Insufficient ecological reports
- Urbanising effect
- Noise, pollution
- Public Inquiry in 97
- Design out of keeping

- Japanese Knotweed on site
- Development not to benefit of community
- Dwellings will not be affordable
- The area needs affordable housing not open market housing

In response to the comments made:-

- The site is not overdeveloped. When considering density consideration has been given to Criterion 3 of Policy PCYFF2 which confirms that the density of the site is acceptable, this is given more consideration in the main body of the report.
- All statutory consultees such as Welsh Water has confirmed that they are satisfied with the capacity in the area.
- The site has been cleared; however, planning permission is not required for clearing the site. However if the applicant knowingly spread Japanese Knotweed out of the site, this would have been a criminal offence and the Police should have been informed. The Planning Department would not be able to enforce this. If works was carried out in bird nesting season and there was evidence of impact on ecology the Police should have been informed.
- The Highways Department has confirmed that the access and parking arrangements are acceptable and they have confirmed that the road is capable of accommodating the proposal without having an impact on highway safety.
- A construction traffic management plan has been received with the planning application. The Highways Authority is satisfied with the traffic management plan submitted.
- Consideration has been given to the impact of the development on the amenity of adjacent residential properties. It is not considered that the proposal would have a negative impact on adjacent residential properties. This is further discussed in the main body of the report.
- The Education Department has requested a £110,313 financial contribution towards Ysgol Llanfawr which will be dealt with via a S106 agreement
- There is no need for the developer to provide a Welsh Language Statement with the planning application which is explained further in the main body of the report.
- De-valuation of properties is not a planning consideration.
- Open Space - It is somewhat unclear why this area of open space (the whole open space area extends beyond this site) was carried over from that shown in the Ynys Môn UDP (2005) when considering the previous planning approval on the site. Regards has been given to the fall-back position (safeguarded consent) and the lack of public access to the site. It is therefore considered that the above justifies the loss of this part of the open space provision.
- Residents were given opportunity to comment on the historic planning applications
- The land is privately owned
- The affordability element has been explained in the main body of the report.
- An ecological report has been provided with the planning application. Natural Resources Wales and the Ecological Advisor of the Council has confirmed that the proposal is acceptable with suitably worded conditions.
- Natural Resources Wales has confirmed that there is no need for further ecological reports.
- A 1.8m high security fence is erected on the North East and South East of the site and a 2m hedgerow with post and wire fence erected on the South West boundary.
- The site is not in an AONB
- It is not considered that the proposal will have an urbanising impact greater than what has been previously approved on the site which has since been safeguarded.
- There will be some noise during construction stage, but this is only temporary and can only be expected with new construction.
- This planning application is determined in accordance with current policies of the JLDP and relevant current Supplementary Planning Guidance.
- It is not considered that the proposal will be out of keeping in the area, the design has been addressed in the main body of the report.
- Japanese Knotweed is present on site, a report has been received identifying the areas where the JK is located on site together with an eradication plan. NRW has confirmed that they are satisfied with the document and their previous concerns have been addressed.

- The 1 affordable dwelling will be subject to a Legal S106 to ensure that it will remain as an affordable dwelling.

### **Relevant Planning History**

19C171B - Full application for 14 dwellings together with alterations

19C171F - Amended drainage scheme approved under consent 19C171B – Approved 18/3/08

19C171H – Certificate of Lawfulness for material start on consent 19C171B – Lawful 18/2/13

### **Main Planning Considerations**

#### **Principle of Residential Development**

In the JLDP Holyhead is identified as an Urban Service Centre under Policy TAI 1. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy. This site lies within the Holyhead development boundary.

In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals within development boundaries are approved if they comply with other policies and proposals in the Plan, National policies and other relevant planning considerations.

The application site benefits from an extant planning permission (19C171B) for residential development of 14 dwellings. This included six four-bed dwellings and eight three-bed dwellings, all two storey high. Permission 19C171B has been implemented and a Certificate of Lawful Existing Use (19C171H) has been issued.

Criterion (3) within Policy PCYFF 2 seeks to ensure that proposals make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density). The provision of 23 dwellings would provide a density of development at 29.5 dwelling per hectare which is only slightly short of the requirements of Policy PCYFF 2; however, it is necessary to consider the proposed development includes SUDS requirements, parking, footpath and internal access road and to ensure that the proposed dwellings are located at an acceptable distance away from existing residential properties.

Policy TAI 8 of the JLDP requires that the mix of housing in a development are appropriate and align with the need of the area. The mix of dwellings comprises 19no two-bed units and 4no three-bed units which would contribute towards meeting the identified need in Holyhead. The proposed housing mix would complement the housing mix provided within the area and in light of the above, the Local Planning Authority are of the opinion that the proposal can be supported on the grounds of need in the locality.

Policy TAI 15 requires that part of the proposed development is provided for affordable housing purposes and in Holyhead this equates to 10% of the overall number of units which equates to 2.3units. The council's Housing Service has confirmed that there is a need for affordable housing based on the council housing waiting list and the Tai Teg register. However the developer as part of the previous planning application 19C171B has provided 4 affordable units on a nearby site at Turkeyshore Road. Since the proposal would increase the number of units on the site by 10 in line with Policy TAI15 one of these units should be affordable.

#### **Design**

The proposal involves the erection of 23 no two storey dwellings, the dwellings will be constructed of red brick, upvc windows and doors and a tiled roof. The dwellings on the Cae Braenar estate are single storey bungalows; however, within close proximity of the site are also two storey dwellings.

Consideration must also be given to the safeguarded planning consent 19C171B which included 14 no two storey dwellings.

It is considered that the design and materials of the proposed dwellings are high quality and meet the criteria of Policy PCYFF3. Even though the dwellings on Cae Braenar are single storey bungalows it is not considered that the proposal will look out of place on the site or have an impact upon the landscape.

### **Open Space**

The site is currently identified as protected open space under Policy ISA 4 of the JLDP. It is somewhat unclear why this area of open space (the whole open space area extends beyond this site) was carried over from that shown in the Ynys Môn UDP (2005) when considering the previous planning approval on the site.

Regards has been given to the fall-back position (safeguarded consent) and the lack of public access to the site. It is therefore considered that the above justifies the loss of this part of the open space provision.

### **Highway Considerations and Sustainability:**

Access to the site would be via the existing vehicular access off Cae Braenar which would include vehicular and pedestrian access. The proposed access has a visibility splay of 43m in each direction.

The internal access road will be constructed to adoptable standards and would provide a footway on either side of the main road into the site.

A Transport statement has been received with the planning application to consider the level of traffic demand anticipated to be generated by the development proposals. The Transport statement provides information on the maximum total trip demand during peak periods during the week. Consideration has also been given to the safeguarded planning consent for 14 residential dwellings which represents the baseline position. The report states that the development would represent appropriate and sustainable development in highway and transport terms. There is no evidence to suggest that the development would give rise to severe detrimental impact on local highway network operation, with development traffic increases would be of a strictly limited scale and would not require the provision of network capacity improvements.

A Traffic Management Plan has also been provided with the Construction Environmental Management Plan which covers Traffic Management, Loading, unloading and storage of plant and materials

The Highways Authority has confirmed that they are satisfied with the proposal with appropriately worded conditions.

The proposed development in a highly accessible and sustainable location within walking distance to Holyhead town centre which provides all the necessary needs of future occupiers of the dwellings and close to key transport routes. It is considered that the proposal complies with policies PS4 and PS5 of the Joint Local Development Plan.

### **Drainage**

In accordance with Policy PCYFF 6 (Water Conservation), as the proposal exceeds the threshold of 10 units, a Drainage Strategy has been submitted with the application. The document provides details of how the development will satisfactorily address how suitable discharge of surface water and foul effluent generated by the proposed development will be dealt with.

There will be an easements towards the eastern part of the site for a surface water outfall to the sea, which constraints this part of the site. A SUDS attenuation feature is proposed close to the site's eastern boundary.

Private driveways and hard-standings will be finished with permeable paving with roof water from each property being transferred into a water butt and into a soakaway or tree pit and then into a demarcation manhole. The manholes will rain into a pipe system beneath the road. The pipes system will then discharge into the flood storage/wetland area which will provide additional attenuation prior to overflow (during extreme events) into the surface water outfall drain and to the sea.

As of January 7th 2019, all new developments of more than 1 property or where the construction area with drainage implications is 100m<sup>2</sup> or more, will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

These systems must be approved by Isle of Anglesey County Council acting in its role as a SuDS Approving Body (SAB), before construction work begins. The SAB will have a duty to adopt compliant systems which serve more than one property so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Welsh Water has confirmed that they have no objection.

### **Ecology and Biodiversity**

In line with Strategic Policy PS19 and AMG5 of the Joint Local Development Plan and the requirements of the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity a Preliminary Ecological Appraisal was submitted with the planning application.

A Bat Roost Assessment has been submitted with the planning application and the results showed that existing trees across the site are scrub and as such have not attained sufficient size for the development of preliminary roost features in trees. As a result no preliminary roost features were observed in the trees that could give rise to roosting bats. As part of the ecological survey a basic standard badger survey was undertaken and there was no signs of badgers or hedgehogs on the site. A condition will be placed on the permission to ensure that the applicant complies with all recommendations of the report.

A 4m screen belt would be retained along the site's eastern and southern boundaries. A 2m hedgerow would be provided along the site's northern, western and southern boundaries with a post and wire fence to the front with all development located at least 3m away from the hedgerow planting. A Grass Meadow is proposed on the South East of the site.

In built Ibstock Bat Boxes will be installed to the gable end of plots 2,6,8,10,12 and 13. Hedgehog access gaps will be left in fencing at ground level and peripheral landscaping is also proposed.

### **Japanese Knotweed**

The removal or treatment of Japanese Knotweed in itself does not require planning permission, the matter for consideration for the Local Planning Authority is the requirements of policy PCYFF 2, criteria 6 of the Joint Local Development Plan to ensure provision for the appropriate management and eradication of invasive species so that the site may be prepared for further development.

After a site visit it was confirmed that Japanese Knotweed is present on the site. The applicant has provided an Invasive Weed Management Plan which identifies the areas affected by the Japanese Knotweed together with method of treatment

Natural Resources Wales has confirmed that the Invasive Weed Management information addresses their previous concerns and no further surveys are required to be submitted.

A condition has been placed on the permission requesting that the applicant provides a certificate by an independent consultant to confirm that the knotweed treatment programme has been successful and that all of the invasive plant material has been removed and all treated areas shall be subject to aftercare and monitoring in accordance with the submitted scheme.

## **Landscape**

The site lies within the development boundary with protected trees on the southern boundary and western boundary. It lies inland of the Wales Coat path to the west and is largely enclosed by the protected trees which define the site boundary.

An arboricultural report (Amenity Tree Care) and soft landscaping design (Stiwdio Owens) has been submitted.

The proposal involves soft landscaping, a woodland buffer, hedges, shrubs, grassland and a condition has been placed on the permission to ensure that a landscape management plan, noting maintenance schedules for landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site.

A green mesh fence is shown on the south and eastern boundaries and a condition has been placed on the permission to ensure that details of installation of the fence to ensure no harm to the protected trees. The proposed development complies with the requirements of PCYFF4 with appropriately worded conditions.

### **Relationship with Adjacent Properties**

The council's SPG Design Guide provides guidance on the proximity of development to other properties and boundaries to prevent overlooking and other unacceptable impacts. The impact of the proposal, in particular upon the amenity of nearby land users has been considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupier of local residence or other land and property users.

Consideration has been given to the distance of the proposed new dwellings to existing residential properties and it can be confirmed that all properties apart from Plot 13 and Plot 16 comply with the distances set out in the SPG.

Plot 13 is located 9.9m from the boundary and Plot 16 is located 8.9m from the boundary, the SPG states that a distance of 10.5m should be achieved from a ground floor main window to the boundary. The SPG is only guidance and not policy, the existing property to the rear of Plot 13 and 16 is located approximately 12 metres from the boundary; therefore it is not considered that the small shortfall in distance would impact the amenity of 5 Lewascote.

To conclude, by virtue of the separation distanced between the dwellings, and existing boundary treatments, it is not considered that the proposed development will have a detrimental impact upon adjacent residential properties or future occupants of the proposed units.

It is considered that the proposal complies with the requirements of PCYFF2 of the JLDP.

### **Other Matters:**

Policy ISA 5: of the JLDP requires that new housing proposals for 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed development, will be expected to provide suitable open space provision in accord with the policy. A financial contribution of £10,000 has previously



been paid to the Holyhead Town Council as part of the implemented consent. There is therefore no requirement for the applicant to provide a further contribution towards open space provision.

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration is given to the capacity within local schools to accommodate the anticipated number of children on the site. It is also important to consider the effect of the proposed development on the capacity of local schools. The cumulative impact of other developments in the schools' catchment areas is also taken into account when assessing whether an education contribution should be made. The Lifelong Learning Department of Anglesey Council have confirmed that a financial contribution of £110,313 is required towards facilities at Ysgol Llanfawr and this will be secured by a Section 106 agreement

Welsh Language and Culture: As the extant consent would have made it clear that the site as a windfall site was available for residential development during the preparation of the JLDP, the site cannot be considered as an 'unexpected windfall site'. As there is capacity within the settlement for the proposed number of units, the Local Planning Authority agreed during pre-application discussions, that a Welsh Language Statement would not be required. The Welsh Language Officer did not have any comments to make but made comment on the need to ensure that street names should be in Welsh.

### **Conclusion**

In summary the proposal for 23 residential units on this site aligns with material policies and is acceptable having weighted the material considerations described in the report.

### **Recommendation**

Permit subject to Section 106 for 1 affordable dwelling and £110,313 financial contribution towards Ysgol Llanfawr.

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

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

#### **(02) No development shall take place, until the Tree Protection Screen shown in the Amenity Tree Care Plan TR-01 V3 is installed. The approved fencing shall be retained throughout the course of the development.**

Reason: To avoid harm to protected trees off-site.

#### **(03) No development shall take place, until there has been submitted to and approved in writing by the local planning authority details for the installation of green mesh boundary fencing.**

Reason: To avoid harm to protected trees off-site.

#### **(04) The site shall be landscaped strictly in accordance with Stiwdio Owens Soft Landscape Design 651-STO-00-00-DR-L-0001 Rev P03 in the first planting season after completion or first use of the development, whichever is the sooner. The landscaping scheme shall be retained for the lifetime of the development hereby approved. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the subsequent planting season by trees and shrubs of the same species and size as those originally required to be planted.**

Reason: In accordance with JLDP Policy PCYFF 4.

**(05) The landscape management plan, noting maintenance schedules for landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.**

Reason: In accordance with PCYFF 4.

**(06) A Meadow Grass Management Plan for ground preparation, sowing and maintenance for the first 5 years relating to the establishment of the meadow grass as shown on drawing number 651-STO-00-DR-L-001 Revision P03 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings on the site. The Meadow Management Plan shall be carried out as approved.**

Reason: In the interest of ecology

**(07) No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details 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.

**(08) If contamination is encountered in the implementation of the development hereby approved it shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority. The relevant parts of the application site shall thereafter be remediated in accordance with the scheme of remediation approved under the provisions of this planning condition.**

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

**(09) The Development shall be carried out in accordance with the Construction and Environmental Management Plan dated November 2021.**

Reason: To safeguard the amenities of future occupants.

**(10) The application site shall be developed strictly and entirely in accordance with the recommendations, mitigation, enhancement measures of the Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version Three dated 21.09.2022 and Bat Roost Assessment – Preliminary Tree Inspections – Version 1 dated 28.03.2022 – Amenity Tree Care.**

Reason: In the interests of ecology.

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

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

**(12) The access shall be constructed with 40 metre by 40 metre splays on either side with the existing wall/fence/hedge**

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.

**(13) The estate road and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey'**

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

**(14) 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.

**(15) The estate road shall be completed to a base course finish with the surface water drainage system complete and fully operational before any work is commenced on the dwellings which it serves.**

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

**(16) No surface water from within the development shall discharge onto the highway.**

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

**(17) 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.

**(18) 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.

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

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

**(20) The estate road shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the development hereby approved whichever is the sooner.**

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

**(21) The details to be submitted for approval in writing by the Local Planning Authority shall include:**

**- the proposed road layout and typical construction details based on ground investigation information to verify its adequacy.**

**- the location and the type of street lighting furniture.**

**The development shall be constructed in accord with the details that have been approved in writing by the Local Planning Authority under the provisions of this planning condition.**

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

**(22) No development shall commence until measures are in place to secure the future maintenance of the access and estate roads in accordance with details previously submitted and approved in writing by the local planning authority “ Management and Maintenance Plan”. The Management and Maintenance Plan for the lifetime of the development shall include the arrangements to secure the operation of the scheme throughout its lifetime. The access and estate roads shall thereafter be maintained in accord with the Management and Maintenance Plan approved under the provisions of this condition for the lifetime of the development hereby approved.**

Reason: To comply with the requirements of the Highway Authority

**(23) Full details of a lighting scheme which shall include full specifications of all external lights, a plan showing any light spillage on the application site and surrounding land; specifications and heights of any columns, bollards or other such fixtures for the development must be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The development shall thereafter be carried out in accordance with the Lighting Scheme approved under the provisions of this condition and then operated and maintained in accordance with the approved scheme for the lifetime of the development.**

Reason: To safeguard the amenities of occupants of the surrounding properties and in the interest of ecology

**(24) Any construction works should be carried out between the following times – 0800 – 1800hrs – Monday to Friday; 0800 – 1300hrs on Saturday’s and no working on Sunday’s or Bank Holidays.**

Reason: In the interest of residential amenity

**(25) The provisions of Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any amendment or Order re-voking or re-enacting that Order) are hereby excluded on the affordable unit as shown on the Site Layout Plan - WJ/PH/SL/01 Rev P**

Reason: To ensure the dwellings are retained as affordable dwellings

**(26) The treatment of Japanese Knotweed shall be carried out in accordance with the Invasive Weed Management Plan by Knotweed Eradication ‘report number IWMP1869V4’ dated 26th September 2022 and in accordance with the following requirements;**

**· No development shall commence until, a validation report certified by an independent consultant shall be submitted to the Local Planning Authority for approval confirming that the knotweed treatment programme has been successful and that all of the invasive plant material**

has been removed and that all treated areas shall be subject to aftercare and monitoring in accordance with the submitted scheme.

- The use of tracked machinery on-site should be limited as much as possible until the Japanese knotweed-infested areas have been cleared or cordoned off. If tracked machinery must be used in infested zones, a geotextile overlain with hardcore must be used as a base for vehicles to travel on.

Reason - In the interests of environmental protection and to prevent the spread of Japanese Knotweed

(27) 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.

- Soft Landscape Details – 651-STO-00-00-DR-L-002 Revision P00
- Street Scenes – WJ/PH/SS/01 Rev A
- Arboricultural Impact Assessment (AIA) Version 4 – Amenity Tree Care
- Bat Roost Assessment – Preliminary Tree Inspections – Version 1 – Amenity Tree Care
- Location Plan – WJ/PH/LP/01 Rev B
- Adoptable Highways Plan – WJ/PH/AHP/01 Rev F
- Boundary Treatment Plan – WJ/PH/BTP/01 Rev G
- Colour Site Layout – WJ/PH/CSL/01 Rev F
- Hardstanding Plan – WJ/PH/HSP/01 Rev G
- Materials Plan – WJ/PH/MP/01 Rev G
- Storey Height Plan – WJ/PH/SHP/01 Rev F
- Soft Landscape Design – 651-SGO-00-00-DR-L-0001 Rev P03
- House Type Pack – 2B3P\_801\_DQR\_01 Rev B
- House Type Pack – 3B5P\_1009\_DQR\_01 Rev A
- Site Layout Plan – WJ/PH/SL/01 Rev P
- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version Three dated 21.09.2022
- House Type Pack – 2B4P\_901\_DQR\_01 Rev B
- Design and Access Statement – Revision C – November 2021
- Tree Survey and Constraints Report – Amenity Tree Care
- Water Conservation Statement Revision 1a – November 2021
- Waste Management Plan – WJ/PH/WMP/01 Rev F
- Construction and Environmental Management Plan – November 2021
- CEMP + Traffic Management Plan – November 2021
- Proposed Drainage Strategy Statement Revision 1 – November 2021
- Transport Statement – Focus Transport Planning – J000322 – TS01b – February 2022
- Planning Statement – 2021.100\_02 V2.0 – February 2022
- Invasive Weed Management Plan by Knotweed Eradication ‘report number IWMP1869V4’ dated 26th September 2022

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, ISA1, ISA4, ISA5, PS4, TRA2, TRA4, PS5, PS6, PCYFF1, PCYFF2, PCYFF3, PCYFF4, PCYFF5, PCYFF6, PS16, PS17, TAI1, TAI8, PS18, TAI15, AMG3, AMG5, PS19

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: HHP/2022/230

Applicant: Mike Halliwell

Description: Full application for alterations and extensions at

Site Address: Dinas Bach, 5 Ystad y Fron, Aberffraw



**Report of Head of Regulation and Economic Development Service (Owain Rowlands)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application has been called into the Planning and Orders Committee at the request of Councillor Arfon Wyn due to local concern surrounding the application.

**Proposal and Site**

The application presented is for alterations and extensions to the dwelling including the demolition of the existing garage and the erection of two single storey extensions.

The application site is a single storey detached property, located in Y Fron estate within the development boundary of Aberffraw, as defined by the Joint Local Development Plan.

## Key Issues

The key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would impact any neighbouring properties.

## Policies

### Joint Local Development Plan

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Policy AMG 5: Local Biodiversity Conservation

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy TRA 2: Parking Standards

Technical Advice Note 12: Design (2016)

Planning Policy Wales (Edition 11, February 2021)

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

### Response to Consultation and Publicity

Consultee	Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objections to the proposed development. The site is in the AONB, and is unlikely to affect the AONB due to the scale and location of the proposal. The site is in close proximity to a SAC, a SPA and a SSSI, so the developer should adhere to pollution prevention guidelines.
Ymgynghorydd Tirwedd / Landscape Advisor	The site is within the AONB and is visible from both sides of the estuary in Aberffraw. There is no distinct character or quality to the estate that should be conserved or enhanced, with a mix of single and two storey houses. The glazing proposed on the ground floor is not excessive, and the design of the dwelling will not affect its overall visual impact. The development will not affect natural beauty or any AONB features and qualities related to landscape as considered by policy AMG 1.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objections to the development and requested a CTMP to ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety. No objections to the CTMP provided.
Draenio Gwynedd / Gwynedd Drainage	No observations in terms of land drainage or local flood risk.

Dwr Cymru Welsh Water	The proposed development is outside the protection zone of the public rising main crossing the site. Suggested a condition regarding surface water and informatives for the applicant.
Cyngor Cymuned Aberffraw Community Council	No response at the time of writing the report.
Cynghorydd Arfon Wyn	Called the application into the planning committee due to local concern.
Cynghorydd John Ifan Jones	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Acknowledges the objectors' concerns about the extensions impacting the sand dunes and sand lizards. The building work appears to be carried out on existing developed land. Outdoor lighting should be downward facing and on a timer to prevent light pollution. Pollution prevention and mitigation strategies should be conditioned to prevent any waste/run-off/sediment from filtering to the sand dunes and water below the property.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. During the initial consultation period, which came to an end on the 01/09/22, 19 letters of objection were received. After receiving amended plans to include a privacy fence on the boundary a second letter was sent to neighbouring properties. The second consultation period came to an end on the 07/10/22, with 14 letters of objection being received at the department.

Objections were raised that the application had received inadequate publicity. According to Part 8 of Development Management manual, this application does not fall into the criteria for a site notice or press advert, therefore there is no statutory requirement to do so. Nine neighbouring properties were notified of the application twice, with 19 and 14 letters of representation received, highlighting that the application has been well publicised in the area.

The main comments raised during the consultation period were:

#### Parking/Traffic/Highways:

- inadequate parking on the site
- increased traffic as a result of the development creating health & safety concerns
- parking issues on the estate with people parking to visit the beach

#### Design/Setting:

- side elevation does not comply with SPG distances
- overlooking neighbouring property
- the extensions are dominant, inappropriate in scale and not subservient to the main dwelling
- height of the extensions higher than the existing roof line
- extension projects forward beyond the principal elevation
- out of character in the area and finishing materials not in keeping with the adjacent buildings
- proposed single panel fence is unnecessary as a privacy measure

#### AONB/Ecology:

- detrimental impact on the AONB
- no protected species survey presented with the application
- building work could have adverse impact on sand lizards
- increased light pollution from sensory lights
- increased noise pollution from holiday let



Construction:

- working hours of 7:30am – 6pm are unrealistic in residential setting
- diesel could create contamination issues during construction
- estate is built on radon rock which would be released during construction

General:

- property will be converted into a holiday let and should be assessed under policy TWR 2
- street utilities will not support the increase in bathrooms
- concern of future application to further extend the property
- increase in bedrooms not necessary
- more akin to a replacement dwelling
- no dimensions included on the proposed plans

In response to the reasons for objection:

Parking/Traffic/Highways:

- the site meets parking standards required by Highways Authority and policy TRA 2
- highways department have no objections to the development or the CTMP
- parking issues on the estate not relevant to this application and is being dealt with separately

Design/Setting:

- existing garage does not comply with SPG distances and is only becoming 0.8m wider
- one window will be obscured and a fence will prevent overlooking from the other
- both extensions are lower than the main pitched roof
- various designs and appearances apparent in the locality
- fence is permitted development and will prevent overlooking

AONB/Ecology:

- landscape advisor of the opinion the development will not affect AONB
- ecological survey not requested by ecologist, and not always required for small scale development
- ecologist has requested further information regarding pollution prevention
- sensory lights are on a timer and downward facing, as requested by ecologist

Construction:

- site working hours amended from 7:30am – 6pm to 8am - 6pm to protect neighbouring amenities
- pollution prevention strategy will cover contamination issues
- most construction issues will be covered by building regulations

General:

- will still be classed as a C3 dwellinghouse therefore use as a holiday let can't be enforced
- 1 additional bathroom considered acceptable, no objection from Welsh Water or YGC
- any new application will be dealt with on its own merits
- 1 additional bedroom not considered unacceptable
- majority of the existing dwelling is to remain as part of development
- planning department have a software to measure dimensions on all plans

**Relevant Planning History**

HHP/2022/92 - Full application for alterations and extensions at Dinas Bach, 5 Ystad y Fron, Aberffraw. Withdrawn.

HHP/2022/174 - Full application for alterations and extensions at Dinas Bach, 5 Ystad y Fron, Aberffraw. Withdrawn.

## **Main Planning Considerations**

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

### **Proposal and Site**

The site is a single storey detached property, located in Y Fron estate within the development boundary of Aberffraw as defined by the Joint Local Development Plan. The site also lies within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB).

The proposed scheme is for alterations and extensions, including the demolition of the existing garage and the erection of two single storey extensions.

The site has been subject to two previous applications in the last 12 months. Planning applications reference HHP/2022/92 and HHP/2022/174 have both been withdrawn as the Local Planning Authority would not support the two storey extension previously proposed.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties
- iii. Highways and Parking
- iv. AONB and Ecology

### **i. Siting and Design**

The proposal involves the demolition of the existing flat roof garage that is attached to the main dwelling. It currently extends approximately 5.4m beyond the north east side elevation, is 5.4m in length, and has a flat roof at 2.7m in height.

The garage will be replaced by a single storey side extension on the same side, which will accommodate a living room, utility, storage as well as an additional bedroom and bathroom. This extension will extend approximately 6.2m beyond the side elevation of the main dwelling and will be 14.4m in length, level with the rear elevation of the property, and extending 3.8m beyond the front elevation onto the existing tarmacked driveway. It will have a flat roof at 3.2m in height, which is higher than the eaves of the main dwelling but is 0.8m lower than the main pitched roof, highlighting its subservience.

This extension will be approximately 0.8m wider than the existing garage, and will therefore become 0.8m closer to the boundary with neighbouring property 4 Y Fron. It will be located approximately 5.7m away from their side elevation at its closest. Whilst this does not comply with the indicative minimum distances noted in the SPG, the existing garage structure does not comply either, and the 0.8m increase is not considered excessive. Within a built-up area there will inevitably always be a degree of built development being in close proximity, however in this instance any effects are not considered to be significant. The extension will have a garage door and a pedestrian door on the front elevation facing the estate, and a set of double doors on the rear facing the estuary. The side elevation facing 4 Y Fron will include a bedroom window, a bathroom window and a door opening into the utility.

The second extension proposed is on the other side of the property, to be built on part of the existing external courtyard. It will accommodate an open plan kitchen/dining area and a sunroom, measuring approximately 6.8m wide and 6.35m in length, integrating with the L-shape of the existing dwelling. The extension will be level with the rear elevation and set off the south west side elevation by 4.6m, with a section of the existing external courtyard to remain. It will have a flat roof at 2.9m in height with a roof light above. Whilst this is slightly higher than the existing eaves, it will remain 1m lower than the main pitched roof, will integrate into the site and will be hidden from neighbouring properties. The extension will include full length glazing and double doors, looking towards the estuary and into agricultural land.

Many properties on the estate have a higher ridge height than the application site, and also have living space at first floor level. The proposed development will remain single storey and lower than the existing dwelling, highlighting its subservient and non-dominant form, and respecting the context of its place within the local landscape in compliance with policy PCYFF 3. Both of these extensions are set lower than the ridge height of the main roof, which assists in making them more subservient to the overall design thereby reducing their overall visual impact and resulting in unobtrusive structures that would not appear out of place in the locality.

This proposed development will use Cedral timber cladding in grey, as suggested by the landscape advisor, together with coloured render and UPVC windows and doors. This is considered a high quality design that will comply with policy PCYFF 3. There are a mix of property types in the locality that vary in design and appearance, from older traditionally design properties to more modern designs. Given this, it is not considered that the proposed scheme would be out of character in its surrounding built environment.

Concerns have been raised during the consultation period regarding the future use of this property as a holiday let. The property is currently classified as a C3 dwellinghouse, and following completion of development the property will remain classified by the C3 dwellinghouse use class. Pending any specific legislative changes in Wales, planning permission is not required for the use of a C3 dwellinghouse as a holiday let, which is evident with numerous properties on Anglesey being used in the same manner.

## **ii. Adjacent Residential Properties**

Given the siting of the proposed extensions, they are considered an ample distance away from the majority of the properties on the estate so as to have no negative impacts upon their privacy and amenities.

However, the proposed side extension is within approximately 2.1m of the boundary with 4 Y Fron, and is 5.7m away from the closest point on their side elevation. This is lower than the indicative minimum distances noted in the SPG, however it must be taken into consideration that the existing garage is also lower than those distances. It is not considered that becoming 0.8m closer will have a detrimental impact in terms of scale and massing, especially as the flat roof of the extension will be lower than the main pitch of the dwelling.

Whilst a degree of overlooking between neighbouring properties exists at present, and is a natural feature of living in a built up area such as this part of Aberffraw, adequate measures have been taken to protect the privacy and amenities of the neighbours at 4 Y Fron. The utility is an uninhabitable space which raises no concern regarding the door, and the bathroom window will be fitted with obscured glazing which is to be conditioned. To prevent overlooking from the bedroom window, a 1.95m high timber fence will be erected on part of the boundary. This fence is considered permitted development under Part 2 Class A of the General Permitted Development Order, and does not require planning permission. It is considered that these measures will prevent overlooking between both properties, protecting the privacy and amenities of the neighbours in line with policy PCYFF 2.

All other windows and doors on the proposed extensions will be have a similar outlook to existing windows, towards the estuary or the estate itself. None of these will be looking towards any neighbouring properties and as such it is not considered that their privacy and amenities will be affected.

## **iii. Highways and Parking**

As this is a four bedroom property, three parking spaces must be provided to comply with requirements of the Highways Authority. The proposed site plan shows three parking spaces as required, along with additional space for more vehicles if needed. This complies with the Highway Authority parking standards and policy TRA 2.

Concerns were raised during the consultation period regarding parking issues on Y Fron estate, with people parking on the estate road whilst visiting the beach. This is a separate matter which the Highways Authority are aware of, and will be dealt with separately to this application. This application is for alterations and extensions to 5 Y Fron, to which the Highways Department have no objections.

A Construction Traffic Management Plan (CTMP) has been provided to support the application as requested by the Highways Department and due to concerns of increased traffic during construction. This document has been approved, and will be included in the list of approved plans to be adhered to during the construction period.

#### **iv. AONB and Ecology**

The development site is located within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB). The proposal involves larger glazing than the existing, however this is not an uncommon feature in coastal locations within the AONB, and as such will integrate into its setting. Both specialist consultees, our Landscape Advisor and NRW, are of the opinion that the development will have negligible impacts on AONB special qualities and features due to its small scale nature and appropriate design materials.

Due to its AONB and coastal setting the Ecological Advisor requested further information regarding outdoor lighting. All proposed lights are now noted on the plans, and will be downward facing, of low illumination and on a timer to reduce the amount of light pollution and disturbance. In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, a bat box has been added to the side elevation. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act and policy PCYFF 4.

The development site is located in close proximity to a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI), which are all located at the bottom of the site on the estuary. The Ecological Advisor noted that pollution prevention and mitigation strategies will be required to prevent any waste/run-off/sediment from filtering to the sand dunes and water below the property, and a condition will be placed requiring the submission of a Construction Pollution Avoidance Plan to protect the surroundings sensitive areas from contamination during construction.

#### **Conclusion**

The proposal is considered a small-scale development that will provide additional living space within the property. It is considered a subservient extension that will integrate into the site and its surrounding built environment. Giving its siting in relation to neighbouring properties, and the measures taken to prevent overlooking, it is considered to give rise to little or no greater harm upon the privacy and amenities of any neighbouring properties.

#### **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).

**(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:**

- **2957:21:1A - Location plan**
- **2957:21:3c - Proposed site plan**

- 2957:21:6c - Proposed floor plan
- 2957:21:7d - Proposed elevations
- Construction Traffic Management Plan - Rev A - 15/09/22

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

**(03) No development shall commence until a Construction Pollution Avoidance Plan has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details.**

Reason: To safeguard the designated Site of Special Scientific Interest, the Morwenoliaid Ynys Môn Special Protection Area and the Anglesey Coast: Saltmarsh Special Area of Conservation.

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

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

**(05) Prior to the occupation of the extensions hereby approved the 1.95m high timber fence on the boundary, as labelled on drawing 2957:21:6c, shall be installed and thereafter shall be retained as such for the lifetime of the development hereby approved.**

Reason To safeguard the residential amenities of occupants of the adjacent residential property

**(06) Prior to the occupation of the extensions hereby approved the bathroom window on the side elevation, as labelled on drawing 2957:21:6c, shall be fitted with obscure glazing (level 5 obscurity level) and thereafter shall be retained as such for the lifetime of the development hereby approved.**

Reason: To safeguard the residential amenities of occupants of the adjacent residential property.

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: AMG 1, AMG 5, PCYFF 2, PCYFF 3, PCYFF 4, TRA 2

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

Application Reference: VAR/2022/41

Applicant: Mr David Cramant

**Description:** Application under Section 73 for the variation of conditions (09) (surface water drainage), (13) (approval of vehicle and car parking accommodation), and (14) (in accordance with plans to be approved) of planning permission reference 46C188G (the redevelopment of the site for up to 6 residential units) so as to allow the submission of the surface water drainage scheme, vehicle turning and car parking area together with the re-siting and amended design of the proposed dwellings at

**Site Address:** 1 Blue Water Close, Trearddur Bay.



**Report of Head of Regulation and Economic Development Service (Colette Redfern)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

At the request of the Local Member.

**Proposal and Site**

The site lies within the development boundary of Trearddur Bay at the end of a residential estate and on the edge of the designated Area of Outstanding Natural Beauty. With some individual exceptions, the

area is characterised by small bungalows as part of an estate type development of private residential properties.

The current proposal is to vary condition (09) (surface water), (13) (approval of vehicle and car parking accommodation) and (14) (the development will be carried out in accordance with the approved plans) in order that the surface water drainage and vehicle car parking accommodation) are considered as part of the current application and to allow a change to the design of the proposed dwellings and the re-siting of two of the properties.

### Key Issues

The applications main issues are:

- i. Impact on amenities of neighbouring properties
- ii. Highway Safety
- iii. Can the site be adequately drained

### Policies

#### Joint Local Development Plan

- Policy PCYFF 2: Development Criteria
- Policy PCYFF 3: Design and Place Shaping
- Policy PCYFF 4: Design and Landscaping
- Policy TAI 5: Local Market Housing
- Policy TAI 13: Replacement Dwellings
- Policy TAI 15: Affordable Housing Threshold & Distribution
- Policy TRA 2: Parking Standards

Planning Policy Wales (Edition 11, February 2021)

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
Ymgynghorydd Tirwedd / Landscape Advisor	Observations
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response to date
Iechyd yr Amgylchedd / Environmental Health	No observations
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Support the inclusion of bird and bat boxes
Cynghorydd Dafydd Rhys Thomas	Call-in due to traffic, parking and flooding issues in area
Cynghorydd Keith Robert Roberts	No response to date
Cynghorydd Trefor Lloyd Hughes	No response to date
Cyngor Cymuned Trearddur Community Council	Concerns due to overdevelopment of site, flooding concern, insufficient parking

Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Following receipt of additional information confirmed that the drainage scheme was acceptable
Dwr Cymru Welsh Water	No objection

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 12/07/2022. At the time of writing this report a number of representation had been received at the department. The main issues raised can be summarised as follows;

- i. Loss of privacy
- ii. Increase in traffic
- iii. Surface water / drainage
- iv. No affordable housing
- v. The properties should be given a bi-lingual name
- vi. A communal refuse are will result in rodents
- vii. Works commenced prior to the scheme being approved
- viii. Overdevelopment of the site

In response to these issues I would state;

- i. This matter is addressed in the impact on amenities and locality section below
- ii. The site has an extant permission for the re-development of the site for the erection of 6 dwellings. The current scheme is to vary the extant permission and will not increase in a greater increase in traffic movements than the previously approved scheme.
- iii. This matter is addressed in the main body of the report
- iv. This matter is addressed in the 'Policy Context' section below
- v. A condition will be imposed on the permission requesting that a bilingual name is given to the properties
- vi. The refuse area is a communal area whilst waiting for the refuse to be collected however all bins will be stored within each property boundary
- vii. The site benefits from an extant permission.
- viii. The scale of the properties currently under consideration respects the scale of the previously approved scheme

One letter was also submitted in support of the application stating that the scheme was well designed and unobtrusive

### **Relevant Planning History**

46C188E – Outline application for the redevelopment of the site for up to 6 residential units at 68 and 68a Trearddur Road, Trearddur Bay – Approved 31/01/05

46C188G – Application for the renewal of the outline permission under reference 46C188E for the redevelopment of the site for up to 6 residential units at 68 and 68a Trearddur Road, Trearddur Bay – Approved 28/01/08

46C188J/DA – Reserved matters application for the erection of 6 dwellings on land at 68 Trearddur Road, Trearddur Bay – Approved 17/03/11

LUP/2021/2 - Application for a certificate of proposed use or development in relation to a material start having been made on outline planning permission under reference 46C188G and the reserved matters



approval under reference 46C188J/DA thus safeguarding the consent at - 68A Trearddur Road, Trearddur Bay – Lawful 02/09/21

### **Main Planning Considerations**

The principle of the residential development of the site has been established under planning application reference 46C188G and 46C188J/da. An application for a lawful use certificate to prove that works had commenced on the site was considered lawful under planning application reference LUP/2021/2.

### **Policy Context**

Since the adoption of the Anglesey and Gwynedd Joint Local Development Plan, Trearddur Bay is identified as a Coastal and Rural Village under the provision of Policy TAI 5. The policy does not support the provision of open market housing. Policy TAI 15 states that proposal for 2 or more dwellings in Coastal and Rural Villages should include 30% Affordable Housing. As the site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the details submitted with this application acceptable

A lawful use Certificate has been granted confirming that the permission has been safeguarded and that the scheme approved under planning application reference 46C188J/DA is extant and therefore the existing permission could be implemented.

Whilst the application does not comply with the requirements of Policy TAI 5 and TAI 15 however there is a fallback position as the application site has an extant planning permission for open market housing.

The current application is to vary condition(s) (09) (surface water drainage and (13) (vehicle turning and parking facilities) in order that the details can be submitted as part of the current application as the details were not submitted prior to the commencement of the works on the site.

Condition (14) is also to be amended as part of the current application so as to allow the change in the design of the proposed dwellings and the re-siting of plots 2 and 3.

**i Drainage of the site** – Condition (09) of planning permission 46C188G stated that no development should take place until a scheme of surface water drainage had been submitted to and approved in writing by the local planning authority. Whilst it is acknowledged that works has previously been commenced on the site without complying with this condition it was determined at the time of determining planning application reference LUP/2021/2 that the condition was not condition precedent and a Lawful Use Certificate was issued and that the variation of the condition so as to allow the submission of drainage details as part of the current application is acceptable.

The Local Member and Community Council have raised concerns regarding flooding/surface water drainage.

Both Welsh Water and the Drainage Section have confirmed that the drainage details submitted as part of the application are acceptable.

**ii. Highway Safety** – Condition (13) of planning permission 46C188G state that before any development commenced details of the vehicle turning area and extent and position of parking facilities has been submitted to and approved in writing by the local planning authority. As stated above the condition was not a condition precedent and a Lawful Use Certificate was issued under planning application reference LUP/2021/2 and that the approval of the details following the commencement of works on the site is acceptable.

Both the Local Member and Community Council have raised concerns regarding traffic/parking provision within the site. The application has been forwarded to the Highway Authority for consideration and they have confirmed that they have no objection to the scheme,

**iii. Impact on amenities of neighbouring properties and locality** - The amendments proposed as part of the current scheme include;

- i. Re-siting of properties on plots 2-6. The orientation of plot 2 and 3 have been amended with the front of the properties looking onto the rear of plots 1 and 4.
- ii. Use of stone cladding on some sections of the properties
- iii. Amendments to the openings
- iv. Removal of balconies and introduction of Juliette balconies

The amended design and materials to be used in the construction of the dwellings are considered acceptable in this location. Plot 2 will be located closer to the boundary of the adjoining property known as Bryn Celyn by 2m however due to the amendment in the orientation of plot 2 it is not considered that the development will have a greater impact on the amenities currently enjoyed by the occupants of the dwelling than the previously approved scheme. Plot 5 is to be located 700mm closer to the site boundary with the adjoining road. It is not considered that the re-location of the dwellings within the site will have a greater impact on the amenities currently enjoyed by the occupants of the neighbouring dwellings over and above that which has been previously been approved as part of the extant permission.

The Community council have raised concerns that the proposal results in over-development. However, as stated above the scale of the proposal reflects that which was approved under planning application reference 46C188J/DA.

## **Conclusion**

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for open market housing. In effect the developer has a lawful right in expectation to continue with that which has previously been approved and established as safeguarded by the local planning authority.

The details submitted as part of the site are considered acceptable and illustrate that the site can be adequately drained and will not have a detrimental impact on highway safety or upon the amenities currently enjoyed by the occupants of the neighbouring properties or on the locality.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) 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.**

### **Map 1 - Location plan**

**22-DES-021-PL03D - Proposed site and drainage plan**

**22-DES-021-PL01 - Rev A - Proposed elevations and floor plans - Plot 1 - 5**

**22-DES-021-PL02 - Rev A - Proposed elevations and floor plans - Plot 6**

**22-DES-021-PL04 - Proposed Landscaping Scheme**

**Drainage details - GeoEnviro Solutions - 29/9/22**

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

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

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

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

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

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

Reason: In the interests of residential and visual amenity.

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

Application Reference: DIS/2022/63

Applicant: HMRC

Description: Application to discharge condition (05) (landscaping) (08) (signage) (16)(mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at

Site Address: Former Roadking Truckstop, Parc Cybi, Holyhead,



**Report of Head of Regulation and Economic Development Service (Colette Redfern)**

**Recommendation:** Condition Discharged

**Reason for Reporting to Committee**

The application is to discharge condition(s) imposed by the Planning and Orders Committee in determining planning application reference FPL/2021/337 "Full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, Parc Cybi, Holyhead" at its meeting that was held on the 02/03/2022.

## Proposal and Site

This is an application to discharge condition (05) (landscape) condition (08) (signage) and condition (16) (mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, parc Cybi, Holyhead).

## Key Issues

The key issue is whether the statutory consultees are satisfied that the information submitted is sufficient to discharge the conditions.

## Policies

### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Strategic Policy PS 1: Welsh Language and Culture

Policy TRA 4: Managing Transport Impacts

## Response to Consultation and Publicity

Consultee	Response
Cadw Consultations	No objection
Llywodraeth Cymru (Priffyrdd/Highways)	Support
Ymgynghorydd Tirwedd / Landscape Advisor	Landscaping details acceptable
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response to date

There was no requirement to carry out publicity as part of this planning application.

## Relevant Planning History

SCR/2021/79 - Barn sgrinio ar gyfer cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) ar dir yn / Screening opinion for full planning application for the construction of an Inland Border Facility (IBF) on land at - Parc Cybi, Caergybi / Holyhead - Dim Angen AEA / EIA Not Required 03/12/2021

FPL/2021/337 - Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Full application for the construction of an Inland Border Facility (IBF) at - Hen Safle Roadking, Stop Tryciau, Parc Cybi, Caergybi / Former Roadking Truckstop, Parc Cybi, Holyhead, - [object Object] - Caniatáu / Permit

DIS/2022/36 - Cais i ryddhau amod (02) (Cynllun Rheoli Traffig Adeiladu), (03)(Cynllun Rheoli Amgylcheddol Adeiladu), (07)(Manylion/Samplau o defnyddiau), (09)(Cynllun Cyflogaeth Lleol), (10) o ganiatâd cynllunio FPL/2021/337: Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Application to discharge conditions (02) (Construction Traffic Management Plan), (03)(Construction Environmental Management Plan), (07)(Details/Samples of Materials), (09)(Local Employment Scheme), (10)(Local Supply Chain Scheme) of planning permission FPL/2021/337: Full application for the construction of an Inland Border Facility (IBF) at Former Roadking Truckstop, Parc Cybi, Holyhead - Not yet determined

## **Main Planning Considerations**

Planning permission was granted under planning application FPL/2021/337 for the construction of an Inland Border Facility at the former Roadking Trucstop site on Parc Cybi, Holyhead.

Condition (05) of planning application FPL/2021/337 requested the applicant provide a landscaping scheme.

A landscaping recommendation drawing has been submitted from the applicant and the scheme has been forwarded to the Senior Landscape and Tree Officer who confirmed that the landscaping scheme was acceptable.

Condition (08) of planning application reference requested that the applicant submit a signage scheme which would include all external and internal signage be submitted for approval. This was to ensure that the signs will be bilingual.

The information provided in drawing reference 8652-AFF-ST-XX-DR-A-1111 (Rev B) confirm that all signs will be bilingual and that the Welsh text will appear first.

Condition (16) of planning application reference FPL/2021/337 requested that the applicant submit a risk assessment which included mitigation measures should the site be unable to undertake the required checks or operate the site due to any unexpected site closure.

A risk assessment scheme has been submitted and both the Highway Authority and Welsh Government Transport Division have confirmed that the details are acceptable.

## **Conclusion**

Sufficient information has been received to discharge conditions (02) (landscape), (08) (signage scheme) and condition (16) (risk assessment/mitigation measures).

## **Recommendation**

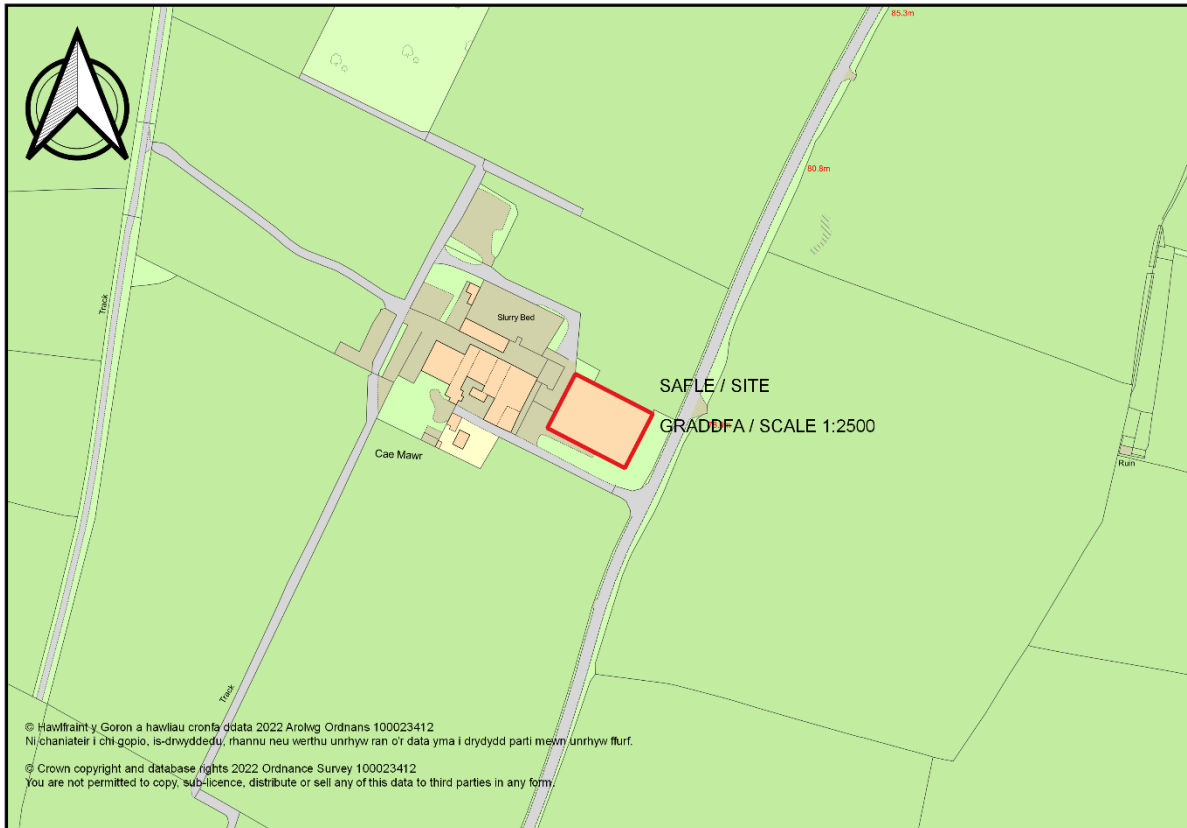
That the condition is discharged

**Application Reference:** FPL/2022/225

**Applicant:** Mr Rolant Jones

**Description:** Full application for an extension to the existing welfare agricultural building at

**Site Address:** Cae Mawr, Trefor, Holyhead



**Report of Head of Regulation and Economic Development Service (Owain Rowlands)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is presented to the Committee as the application is made on land which is owned by the County Council.

**Proposal and Site**

The application is made for a small lean-to extension to an existing agricultural building on this working farm.

The application site is an agricultural unit located in an open countryside location in Trefor, approximately 500m to the north of the village cluster along the B5112.

## Key Issues

They key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would impact any neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 4: Design and Landscaping

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

Planning Policy Wales (11th edition)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Llio Angharad Owen	No response at the time of writing the report.
Cynghorydd Llinos Medi Huws	No response at the time of writing the report.
Cynghorydd Jackie Lewis	No response at the time of writing the report.
Iechyd yr Amgylchedd / Environmental Health	Informatives for the applicant.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Due to the siting of the existing shed, bat presence is unlikely and no surveys will be required. The development should show overall biodiversity enhancement, with the ecologist recommending one bat box, one bird box and two nest boxes. Outdoor lighting should be downward facing and on a timer to restrict light pollution.
Dwr Cymru Welsh Water	No comments and informatives for the applicant.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Further information requested regarding the current and planned use of the shed, as it is difficult to assess if the proposal would lead to an increase in stock numbers or would have any slurry or drainage issues. No objections if no increase in stock numbers were proposed, which has since been confirmed by the agent.
Draenio Gwynedd / Gwynedd Drainage	Informatives for the applicant.
Cyngor Cymuned Tref Alaw Community Council	No response at the time of writing the report.

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 23/09/2022. At the time of writing this report, no letters of representations had been received at the department.



## **Relevant Planning History**

47C132 – Full application for the erection of a high welfare building for dairy cows on land at Cae Mawr Farm, Trefor. Approved 12/06/2012.

DAG/2021/24 – Application to determine whether prior approval is required for the erection of an agricultural shed on land at Cae Mawr, Trefor. Permitted Development, 23/12/2021.

## **Main Planning Considerations**

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

## **Proposal and Site**

Cae Mawr is a working cattle farm, located along the B5112, in an open countryside location approximately 500m north of Trefor. The proposed scheme is for a small lean-to extension to an existing agricultural building on the farm.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties

### **i. Siting and Design**

The existing agricultural shed is located on the eastern side of the farm, within 15m of the boundary with the B5112. The proposed lean-to extension will extend 2.44m beyond the side of the existing shed, into the existing field to the north. It will measure approximately 52m in length, which is the same as the existing building. The roof of this extension will continue a downward slope from the existing roof at 4.4m in height, to a final height of 3.9m.

The reasoning behind the proposed extension is to increase the dairy cow housing capacity within the shed, as the applicant restructures the business in a move away from retaining beef cattle. This will mean an overall reduction in stock number, and therefore will have no implications in terms of slurry store capacity.

This is a very small scale extension to the existing shed, which is subservient and will be seen in the context of the existing building. Material choices of concrete walls, timber cladding and concrete roof panels will match the existing shed, ensuring a high quality of design to comply with policy PCYFF 3, and allowing integration into the site and its surroundings.

In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, a bird box, a bat box and two nest boxes will be added onto the shed. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act and policy PCYFF 4.

### **ii. Adjacent Residential Properties**

It is considered that the site is located far enough away from neighbouring properties so as to give rise to no greater impacts upon their privacy and amenities. The nearest residential properties are Tyn Coed and Bodsuran to the north west, and Fron to the north east. All of these properties are over 400m away from the position of the proposed extension. Given the vast distance between the shed and its neighbouring properties, and the integration into the agricultural context, it is not considered that the proposed development will have any negative impact upon nearby residential properties. It is therefore considered that the proposal is compliant with policy PCYFF 2 of the JLDP.

## Conclusion

This proposal is considered a small scale development to extend the existing shed in order to increase the dairy cow housing capacity. The principle of development for agricultural purposes is accepted within local and national planning policies, and there are also benefits from the development with investment in the local economy and the opportunity for the farming business.

The extension is considered to integrate into its surrounding natural environment, with an appropriate material scheme ensuring that its will be seen in the context of the existing shed and the surrounding agricultural buildings. Given the vast distance between the site and surrounding neighbouring properties, and the intervening topography, it is not considered that the proposed development would have any negative impacts upon those properties.

## 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).

**(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:**

- Drg 1 - Location plan
- Drg 3 - Proposed site plan
- Drg 5A - Proposed floor plan & elevations

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

**(03) 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.

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

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/2022/172

**Applicant:** Messrs HL, BL and HM Williams

**Description:** Full application for conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with the installation of a sewage treatment plant at

**Site Address:** Eirianallt Goch Farm, Carmel, Llanerchymedd



**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 Llinos Medi.

**Proposal and Site**

The application is made for the conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with the installation of a sewage treatment plant at Eirianallt Goch, Carmel.

The application site is located in the open countryside, off the B5112 between Llanerchymedd and Trefor on the outskirts of the Cluster of Carmel. The site comprises a stone agricultural outbuilding located within the farm yard complex adjacent to other agricultural buildings.

### Key Issues

The key issues are whether the proposal is justified and complies with relevant local and national planning policies.

### Policies

#### Joint Local Development Plan

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Strategic Policy PS 17: Settlement Strategy

Strategic Policy PS 5: Sustainable Development

Policy TRA 2: Parking Standards

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

Policy AMG 5: Local Biodiversity Conservation

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 11, February 2021)

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

Supplementary Planning Guidance - Replacement Dwellings and Conversions in the Countryside (September 2019)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Jackie Lewis	No response at the time of writing the report.
Cynghorydd Llio Angharad Owen	No response at the time of writing the report.
Cynghorydd Llinos Medi Huws	Request that the application be referred to the Planning and Orders Committee for determination.
Cyngor Cymuned Tref Alaw Community Council	Comments/concerns in relation to means of access, drainage and the structural integrity of the building.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments/advice.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments/advice in relation to the relevant policy framework.
Swyddog Llwybrau Troed / Footpaths Officer	No response at the time of writing the report.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection

Ymgynghoriadau Cynllunio YGC	No response at the time of writing the report.
Reading Agricultural Consultants	Assessment of the application in relation to TAN 6 requirements.
Iechyd yr Amgylchedd / Environmental Health	Comments in relation to relevant environmental considerations.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection subject to conditions

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 03/08/2022.

At the time of writing the report, no representations had been received by the Department.

### Relevant Planning History

T/2272 – Codi annedd amaethyddol ar ran o O.S 8589 yn / Erection of an agricultural dwelling house on part of O.S 8589 at Eirianallt Goch, Carmel – Caniatau/Granted 3.3.76 (Eirianallt Goch) (cais amlinellol/outline application)

T/2272A – Codi annedd a modurdy preifat ar ran o O.S 132 ger / Erection of a house and private garage on part of O.S 132 near Eirianallt Goch, Carmel to be used in connection with agriculture – Caniatau/Granted 15.4.76 (Eirianallt Goch) (Cais cynlluniau manwl/Detailed plans application)

25C184 – Cais amlinellol ar gyfer codi annedd amaethyddol yn / Outline application for the erection of an agricultural dwelling at Eirianallt Goch, Carmel - Caniatau/Granted 15.8.06 (Erw Las)

25C184A/DA – Cynlluniau manwl ar gyfer codi annedd amaethyddol yn / Detailed plans for the erection of an agricultural dwelling at Eirianallt Goch, Carmel – Caniatau/Granted 4.1.07 (Erw Las)

25C177 – Newid defnydd adeilad allanol i fod yn weithdy yn / Change of use of farm building into a workshop at Eirianallt Goch, Carmel – Caniatau/Granted 2.2.06

25C177A – Codi ystafell haul ar y estyniad presennol yn / Erection of a conservatory on the existing extension at Eirianallt Goch, Carmel – Caniatau/Granted 15.4.08

25C266/LUC – Cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer y defnydd cyfredol o'r annedd fel y cafodd ei lleoli a'i hadeiladu yn / Application for a Lawful Development Certificate for the existing use of the dwelling as located and built at Eirianallt Goch, Carmel – Cyfreithlon/Lawful – 13.2.18

FPL/2021/321 - Cais llawn ar gyfer newid defnydd, addasu ac ehangu adeilad allanol presennol i fod yn annedd meter gwledig ynghyd â gosod system trin carthffosiaeth newydd yn / Full application for conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with installation of sewage treatment plant at - Eirianallt Goch Farm, Carmel, Llanerchymedd - Gwrthod / Refused - 28.04.22

### Main Planning Considerations

The application is made for the conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with installation of sewage treatment plant at at Eirianallt Goch Farm, Carmel, Llanerchymedd.

This is a re-submission of an earlier application which was refused on the 28<sup>th</sup> April 2022 under planning application reference FPL/2021/321.

The grounds for refusal were that it had not been demonstrated that the enterprise is currently financially sound and has a clear prospect of remaining so, that insufficient information had been provided to demonstrate that there were secure and legally binding arrangements in place in relation to the transfer of management of the farm enterprise to the next generation and that the planning history relating to the holding demonstrates a lack of need, with the holding having already been granted permission for two rural enterprise dwellings and the recent disposal of one of them.

The application site is located in the open countryside outside of any defined development boundary consequently it is therefore necessary to consider whether the proposal conforms with other specific local or national planning policies, namely the provisions of policy TAI 7 and Technical Advice Note 6: Planning for Sustainable Rural Communities.

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

Policy PCYFF2 of the JLDP relates to development criteria and requires that proposals demonstrate compliance with relevant plan policies or national planning policy and guidance.

Policy PCYFF 3 relates to design and place shaping and requires that all proposals will be expected to demonstrate high quality design which fully take 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 policy criteria, where relevant.

Policy TAI 7 of the JLDP relates to the conversion of traditional buildings in the open countryside to residential use and states that proposals will be permitted where all the following criteria are met:

1. There is evidence that employment use of the building is not viable
2. The development provides an affordable unit for local need or the residential use is a subordinate element associated with a wider scheme for employment re-use
3. The structure is structurally sound
4. No extensive alterations are required to enable the development
5. Any architectural characteristics of merit and traditional materials are retained and that the proposal does not lead to the loss of the original structure's character.

Since this application would provide a rural enterprise dwelling directly linked to the farm holding it would not have to satisfy the employment test within Policy TAI 7. In fact the fourth bullet point in paragraph 4.7.1 of TAN 6 states in relation to the other dwelling tests consideration should be given to whether there is a building suitable for conversion on the enterprise.

The proposal is acceptable in terms of design and is accompanied by a Structural Survey which confirms that the existing building is structurally sound and capable of conversion without extensive rebuilding or extension. Where rebuilding works are required, these do not appear to exceed 20% as noted within the Replacement Dwellings and Conversions in the Countryside SPG. The proposal therefore accords with the provisions of policies PCYFF3 and TAI 7 (where relevant).

The application is also accompanied by a Protected Species Survey report which found that the building was being used by bats and was a probable maternity roost. The proposal includes mitigation through the provision of a bat roost within the roof space and the planting of trees and hedgerows and the provision of swallow mitigation in the form of log stores.

These measures also serve to provide biodiversity enhancement in accordance with policy AMG5 and the Section 6 duty of the Environment Wales Act 2016.

The highways department have confirmed that they have no objection to the proposal.

The application is for a rural enterprise dwelling and which represents one of the few circumstances in which isolated new residential development in the open countryside may be justified.

The purpose of a 'rural enterprise dwelling' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms.

All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in TAN 6 and the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals.

Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling. In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.

A Rural Enterprise Dwelling Appraisal has been submitted in support of the application and has been assessed by the Authority's agricultural consultants (RAC).

The proposed development is for an additional dwelling on an established family farming enterprise. An existing dwelling (Erw Las) provides accommodation for Mr and Mrs Williams Senior. They are in their 70s and inputs to the practical management of the business are increasingly reliant on their son, Mr Williams Junior, who is a partner in the business.

Mr Williams Junior currently resides off-farm in Bangor, and it is considered essential to the future of the farm business that he be more readily available. It is contended that no affordable alternative housing is available in the locality comparable with the cost of the proposed on-farm development.

There is a history of permissions for agricultural workers' dwellings on the farm with an initial consent in 1976 for Eirianallt Goch which was occupied by Mr and Mrs Williams Senior until 2008. A further dwelling (Erw Las) was permitted in 2007 on the basis of its need for an additional worker, but into which Mr and Mrs Williams Senior moved, occupation of the first dwelling, Eirianallt Goch, was then taken up by their son, apparently in breach of the agricultural occupancy restriction since, in December 2017 an application for a Lawful Development Certificate of Existing Use or Development was submitted claiming that the dwelling, as built and occupied, did not comply with the planning permission and its conditions. A Lawful Development Certificate was issued in March 2018 (application ref 25C266/LUC). This, and the subsequent sale of the property to another noncompliant and unrelated party in November 2019, effectively severed it from the farm enterprise in practical terms.

It is evident from the history, that despite the fact that permission for Erw Las was granted on the basis that it was needed for an additional worker, it has never been used in this manner since Mr & Mrs Williams Senior immediately took up occupation of the dwelling upon its completion. The LPA might therefore reasonably question whether there had in fact been a genuine need for the 2<sup>nd</sup> dwelling for an additional worker, and if so, how that additional labour requirement has been met over the past 14 years.

The farm holding extends to 121.5 hectares (77 ha owner-occupied and 44.5 ha rented on a Farm Business Tenancy) which support a livestock enterprise based on a flock of 1,100 sheep. A standard labour calculation indicates a requirement for 2.4 workers which is met by Mr Williams Senior and his son, Mr Williams Junior. There is a proposal that previous cattle rearing activity be reinstated with a herd of 25 suckler cows and with an increased labour requirement of 2.7 workers.

The framework for the appraisal of the case for the proposed dwelling is set out in Planning Policy Wales (2021) and Technical Advice Note 6 'Planning for Sustainable Rural Communities' (2010). Also relevant is the Practice Guidance issued on Rural Enterprise Dwellings (2011) in support of TAN 6.

While Welsh Government wishes to support the needs and aspirations of rural communities and recognises that addressing the housing difficulties which often face those communities is central to that support, it remains part of longstanding planning policy that the countryside should be safeguarded from uncontrolled and sporadic development (PPW paras 4.2.24 and 4.2.36). As such, proposals for isolated dwellings require special justification. One example of such justification is where there is an essential need for a rural worker to live close to their place of work in the absence of nearby accommodation. In these circumstances, Welsh Government requires that all planning applications (PPW para 4.2.37) should be carefully examined to ensure there is a genuine need for the dwelling and the related business is sustainable. Furthermore, Welsh Government requires that any permitted rural enterprise dwellings be regarded as, and retained as, local affordable housing (PPW para 4.2.37).

Technical Advice Note (TAN) 6 provides the criteria whereby this scrutiny should be undertaken in relation to a number of agricultural circumstances:

- (i) a new dwelling on an established enterprise;
- (ii) a second dwelling on an established farm to enable the handover of management to a younger farmer;
- (iii) a second dwelling on an established farm where there is a functional need for at least 50% of an additional worker; and
- (iv) a new dwelling on a new enterprise.

The proposed development would again increase the number of dwellings serving the Eirianallt Goch unit to two. The existing dwelling meets a functional need in so far as it is occupied by a full-time worker on the unit, namely Mr Williams Senior. The need for the additional dwelling is being promoted as essential housing for a member of the next generation in the family farming enterprise, and to the provisions of the first bullet point in section 4.5.1 of TAN 6.

The relevant tests to be met are those for new dwellings on established enterprises as set out in paragraph 4.4.1 of TAN 6, namely:

- (a) there is a clearly established existing functional need;
- (b) the need relates to a full-time worker;
- (c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job is currently financially sound and has a clear prospect of remaining so;
- (d) the functional need could not be met any other means on the holding or in the locality.
- (e) other normal planning requirements (e.g., siting and access) are satisfied

However the policy exceptions relating to farm succession in paragraph 4.5 require only that:

- (i) it is demonstrated that the relevant individual has taken majority control over the farm business and is the decision maker;
- (ii) criteria (c) to (e) in paragraph 4.4.1 are met; and
- (iii) it is demonstrated that the management successor is critical to the continued success of the farm business, and the need for the proposed dwelling cannot be met in any other reasonable way.

The following appraisal considers the three key policy elements arising from the above policy framework namely:

- (i) the circumstances of the transfer of management control;
- (ii) the financial sustainability of the farming enterprise; and
- (iii) the absence of reasonable alternatives to an additional dwelling.



In a case of a transfer of management, TAN 6 does not require criteria (a) and (b) of paragraph 4.4.1 to be formally addressed. However, it is accepted that the scale and nature of the farming enterprise requires the ready availability of a key worker for its effective management. The husbandry of the sheep flock has an assessed labour requirement of two workers. This management is currently provided primarily by an on-farm worker (Mr Williams Senior), and partially by his son, who also has non-agricultural employment, located in Bangor. It is also accepted that there will be occasions, both foreseeable and unforeseen, when the presence of both workers will be required.

The application for the proposed additional dwelling is expressly *“to satisfy the imperative succession needs of the agricultural enterprise”* (Planning Statement Part 4). However, this is qualified by the consideration that Mr Williams Junior has yet to succeed his father and there is no timeline for succession. The Planning Statement indicates that Mr Williams Junior works alongside his father and increasingly so and that Mr Williams Senior *“plans to progressively retire when his son will succeed him, full time”*. Furthermore, on site residence is said to be an aspiration to meet *“current farming responsibilities and the farm succession plan”*. It is stated that Mr Williams Junior is already *“the majority shareholder”* in the farm business, but will only *“succeed his Father completely, at a time yet unknown”*.

No criticism is levelled at the intention that succession will take place, however, an expression of intent does not meet the specific policy requirement of TAN 6 underpinning the allowance for second dwellings in succession cases. The requirement is set out at paragraph 4.5.1 of TAN 6 which requires some demonstration of certainty in respect of the succession process. This is achieved by the submission as part of the planning application of *“secure and legally binding arrangements”* which provide certainty that either:

*“----demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business.”* (para 4.5.1)

The objective of Welsh Government in providing for second dwellings on established farms in exceptional circumstances is *“to encourage younger people to manage farm businesses and promote the diversification of established farms”* (TAN 6 para 4.5.1). The clear and binding arrangements are necessary in order to ensure that there is no abuse of this diversion from the normal policy position on additional dwellings on farms, and in circumstances in which it is being argued that the additional dwelling would assist in succession planning.

The Practice Guidance supporting TAN 6 provides some advice on how the above requirement could be addressed:

*“A transfer of management control could be achieved by a number of means. One route could be through the form of the farm business; for example, the reappportioning of administrative and operational responsibilities and financial rewards and liabilities in a partnership or limited company. Alternatively, the management role could be secured through the granting of control of the productive assets of a farm by means of a tenancy or contract agreement, or indeed their complete transfer of ownership to the younger person concerned.”*

The chosen route of a Partnership Agreement in the current application in order to meet the TAN 6 requirement is, in principle, clearly appropriate and consistent with the advice in the Practice Guidance. The fundamental question is whether the submitted Partnership Agreement demonstrably reapporions administrative and operational responsibilities and financial rewards and liabilities in favour of Mr Williams Junior or will do so on the grant of planning permission for an essential dwelling.

The Agreement clearly relates to the involvement of the next generation in the farm business and as such accords with the policy objective. The question is whether it demonstrably puts Mr Williams Junior in the managerial driving seat.

The profits and liabilities of the farm business are apportioned such that Mr Williams Junior has a marginal proportional financial benefit and responsibility (51%) over his parents; the other Partners in the Agreement (49%). There is, however, no reference to any distinction between the Partners in respect of administrative and operational responsibilities. Indeed each Partner is required to devote their unqualified “*whole time and attention*” to the business (8a), and the unanimous agreement of the Partners is required for specified aspects of the business. The scope for the younger Partner to take principal decisions of day-to-day management and policy is unclear.

The submitted Deed of Partnership does not therefore demonstrably put Mr Williams Junior in functional management control. There remains some uncertainty regarding the delivery of the succession process relating to an otherwise stated progressive transfer of control by Mr Williams Senior over an unknown timescale, and the current scope for the younger Partner to take principal decisions on day-to-day management and policy is unclear.

Given the history of dwellings associated with the farm and the particular enterprise, it is not unreasonable for the certainty expected by TAN 6 to be provided, consequently the LPA have not therefore been satisfied that “*secure and legally binding arrangements*” are in place in relation to the transfer of management responsibilities as required by TAN 6.

While it is national policy to encourage younger people to take on the management of farm businesses, this is subject to the proviso that the relevant businesses are established and financially sustainable. The so-called Financial Test (para 4.4.1 c) requires that:

- (i) The enterprise concerned has been established for at least three years;
- (ii) The enterprise has been profitable in at least one of the years;
- (iii) The enterprise and functional needs are currently financially sound and have a clear prospect of remaining so.

The longevity of the enterprise at Eirianallt Goch is not stated in the supporting Dwelling Appraisal. However, since planning permission was granted for a farm dwelling in 1976 in favour of Mr and Mrs Williams, it is clear that the enterprise is well established, and that the minimum three-year establishment period is met. The first criterion of the Financial Test is, therefore, met.

The submitted Dwelling Appraisal states that the farm accounts for 2018 and 2019 show the enterprise at Eirianallt Goch to have achieved profits of £19,412 and £17,396 before depreciation. The second test criterion is, therefore, met.

In terms of the third test criterion of section 4.10 of TAN 6, it is indicated that:

- (i) Evidence of actual and potential economic performance is necessary;
- (ii) The enterprise must be capable of rewarding labour inputs on the basis of a realistic income; and
- (iii) The enterprise must be capable of affording the build cost of the proposed dwelling and its maintenance.

The TAN 6 provision for succession dwellings is only available to farm enterprises which are established and financially sustainable. This requires applications to meet the so-called Financial Test set out in paragraph 4.4.1 (c) in TAN 6. RAC has considered the current enterprise’s recent financial performance with reference to farm accounts covering the period 2018 – 2022.

The accounts data confirm that the enterprise has been established for at least three years and has been profitable throughout that period. The data also indicate that profit, before depreciation, has been at a modest level and not providing any remuneration for labour inputs made by Mr Williams Junior.

The TAN 6 Financial Test requires that enterprises be currently financially sound and have a clear prospect of remaining so. The expectation (paragraph 4.10.2) is that enterprises provide a sustainable

market return for the labour deployed in them and are capable of maintaining the build cost of a proposed dwelling. It is in this aspect that RAC had some concern.

The current remuneration for a standard worker (Agricultural Wages Order) is some £19,000. The farm accounts show that the level of profit and the drawings made have fallen short of this scale of remuneration in all recent years, not considering the absence of remuneration for any labour provided by Mr Williams Junior. While the current position might continue, it does not meet the TAN 6 requirement, particularly as it is the applicant's case that even in its current circumstances the farm enterprise has a requirement for two workers. The base profit level needed to remunerate two workers and provide a return on the investment of £150,000 in the build cost of the proposed dwelling would be some £43,000 compared with actual profits before depreciation of less than £20,000, and average net profits of less than £10,000. Set against this the farm business has a stable asset base, and substantive positive balance between current assets and liabilities.

It is accepted that many family farming enterprises persist on levels of profitability below the expectation stated in TAN 6. This reflects a lifestyle commitment to farming and the absence of the true accounting of the time and cost of family labour involved. The case for the additional dwelling in the current case turns, therefore, more on its future prospects than on its ability to fully meet the TAN 6 requirements of current financial soundness.

It is proposed that a combination of the secure presence of Mr Williams Junior on the farm and the introduction of a small suckler cow herd will enable the enterprise to substantially improve its financial performance. Two Agricultural Appraisals (October 2021 and June 2022) have been produced by Mr W Williams and forming part of the application documents seeks to demonstrate this by means of a financial assessment. The only change in the sources of income from those shown in the farm accounts is the introduction of 25 suckler cows, which is shown to make only a modest (8-10%) contribution to the projected total gross margin for the enterprise. However, an Addendum Note from Mr W Williams (24.01.22) suggests that the introduction of the suckler cows "*will ---- boost profits to secure the level of income required*". Despite this, the assessment anticipates an increase in the total gross margin of over £70,000 compared with the recent actual performance of the enterprise with the majority of growth coming from existing sources. Given the general variability in prices and costs and the forthcoming changes to the public support system for farming, the assessments may be optimistic. It is noticeable that the latest assessment of net profit is over £22,000 lower than that made a little over 6 months previously.

As indicated earlier the base profit level needed to satisfy the emphasis of the Financial Test is the appropriate remuneration of the labour of two workers (currently some £39,000 and provide a return on the investment of £150,000 in the build cost of the proposed dwelling (£3750 @ 2.5%). This would require a minimum profit of some £43,000 compared with the recent actual profits of less than £20,000 and the projected profit of c£64,000. While there must be some uncertainty that the farm enterprise can make the dramatic improvement in performance projected in a short period, it is accepted that the introduction of the Mr Williams Junior to the enterprise on a secure, full-time basis would be likely to stimulate an improvement, over and above the introduction of a new suckler cow component, such that the lesser target profit would be more likely to be achieved.

It should also be noted that the most recent farm accounts show the maintenance of the average profitability of the farm business only being achieved by the introduction of what appears to be a one-off non-agricultural payment of £5000.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

The holding at Eirianallt Goch has a dwelling (Erw Las) occupied by Mr and Mrs Williams Senior, who are of retirement age. Case Law dictates that it is inappropriate to expect the current occupants to vacate the

dwelling in order to meet a functional need for a new worker. This is recognised at paragraph 6.11 of the TAN 6 Practice Guidance in the circumstances of farm management succession:

*“In this particular case, it is accepted that the existing dwelling could be occupied by a person who would, following the transfer of management responsibilities, no longer play a major functional role in the enterprise, and indeed may progress towards retirement.”*

The Dwelling Appraisal (para 4.7) intimates that there are a number of traditional buildings on the farm suitable for conversion to dwellings.

In terms of existing available property, an Internet search revealed only 2 suitable properties currently available within 5 kms of Eirianallt Goch, namely a 3-bedroomed terraced property valued at £135,000 and a 4-bedroomed terrace property valued at £150,000, both located in Llanerchymedd. This settlement has ready access to the Eirianallt Goch locality by means of the B5117 and is closer to the farm than Mr M. Williams' current location some 25 kms distant. Current circumstances would suggest however that available and affordable alternative housing reasonably close to the farm is limited.

Given the age of Mr Williams Senior, any benefit of an off-farm dwelling in the close locality would be time limited in relation to the functional need for a worker with an active on-farm management role. This would tip decision making in favour of the use of existing on-farm resources.

There is a history of permissions for agricultural workers' dwellings on the farm with an initial consent in 1976 for Eirianallt Goch which was occupied by Mr and Mrs Williams Senior until 2008. A further dwelling (Erw Las) was permitted in 2007 on the basis of its need for an additional worker, but into which Mr and Mrs Williams Senior moved, occupation of the first dwelling, Eirianallt Goch, was then taken up by their son, apparently in breach of the agricultural occupancy restriction since, in December 2017 an application for a Lawful Development Certificate of Existing Use or Development was submitted claiming that the dwelling, as built and occupied, did not comply with the planning permission and its conditions. A Lawful Development Certificate was issued in March 2018 (application ref 25C266/LUC). This, and the subsequent sale of the property to another noncompliant and unrelated party in 2019, effectively severed it from the farm enterprise in practical terms.

It is evident from the history, that despite the fact that permission for Erw Las was granted on the basis that it was needed for an additional worker, it has never been used in this manner since Mr & Mrs Williams Senior immediately took up occupation of the dwelling upon its completion. Therefore the LPA might reasonably question whether there had in fact been a genuine need for the 2<sup>nd</sup> dwelling for an additional worker, and if so, how that additional labour requirement has been met over the past 14 years.

As noted above, the farm enterprise has benefitted from planning permissions for two worker's dwellings in 1976 and 2007. In circumstances of enabling the transfer of farm management to the next generation, TAN 6 regards this as a special policy exception to normal restraint which can only be used once. Currently this would have related to an additional dwelling pursuant to the provision of that provided by the 1976 permission (Eirianallt Goch) namely Erw Las, and not to subsequent dwellings. However, this provision only affects proposals after TAN 6 coming into force in 2010 (para 4.5.2). Nevertheless, TAN 6 (para 4.11.2) goes on to indicate that the history of the availability of dwellings is a material consideration, particularly where there is concern about potential abuse of the planning process. Where dwellings have been severed from farms enterprises, it is considered that this could constitute evidence of a lack of need.

Permission for Erw Las was granted in 2007 on the premise that an additional worker was required on the farm. However, on its completion, it was immediately occupied, albeit in compliance with the occupancy terms, by Mr and Mrs Williams Senior who relocated from Eirianallt Goch. The latter was then occupied by their son and his wife who subsequently demonstrated that dwelling, as built and occupied, did not comply with the planning permission and its conditions and a Lawful Development Certificate was granted in 2018. It is also understood that the freehold of the property resided with its non-agricultural occupants and had, therefore, been severed from the farm holding. It would appear, therefore, that the farm enterprise existed for a decade without the need for the ready availability of the additional worker initially

intended to occupy Erw Las. However, only 2–2½ years prior to the current and earlier application (FPL/2021/321) which seeks to re-assert that essential need, steps were actively taken to render Eirianallt Goch unavailable. Mr Williams Junior was resident in the property and as such he was available to the farm. The Council has been advised that the practical severance of the dwelling from the farm was occasioned by the break-up of Mr Williams Juniors' marriage and subsequent financial aspects of the divorce settlement.

It is unlikely, however, that the impending need for the transfer of management of the farm involving Mr Williams Junior were not apparent or being considered at the time. Nevertheless, the severance of the property from the farm clearly diminished its utility and the future prospects of Mr Williams Junior.

The Planning Statement provides material relating to the agricultural dwelling at Eirianallt Goch previously occupied by Mr Williams Junior. The circumstances of the loss of the agricultural status of that property and its subsequent severance from the farm are noted. That dwelling persisted in a situation in which it had been claimed that the farm enterprise required two resident workers. However, the applicant was able to demonstrate that this had not been the case, hence the success of the application for a Lawful Use Certificate and its subsequent sale on the open market in 2019. It is argued that this background is not material to the consideration of the current application which should be judged solely on the fact that there is currently only one dwelling on the farm.

The circumstances of Eirianallt Goch and its severance from the farm suggest that it was treated as a private asset of the occupants rather than of the farm. The granting of permission for the dwelling was not however justified on the basis of the personal requirements of the particular occupiers but on the functional requirements of the farm business. Any private capital introduced to assist in the funding of the dwelling should have been viewed as an investment in the farm business. Indeed it is for this reason that a return on capital investment in the build cost is included in the financial assessments in the Dwelling Appraisal. It is not sufficient to simply dismiss the dwelling on the basis of the financial circumstances of a particular individual. The farm business secured permission for an essential asset and, within its knowledge, allowed it to be used for alternative purposes.

Notwithstanding the personal difficulties of Mr Williams or the future prospects of the farm business, the LPA's position is that it has granted planning permission for two essential dwellings on the farm, has had to concede the loss of one to the open market, and is now faced with a second request for a further dwelling, following the refusal of the earlier application. This within a space of only two and a half years. Irrespective of any personal circumstances of the individuals concerned, these are matters of fact and are material in the context of Welsh Government's continuing desire to contain residential development in the countryside, avoid abuse of the exemptions it allows for rural enterprise workers, but stimulate the succession of the younger generation to farm management.

Therefore contrary that claimed by the agent, the planning history is a material consideration as noted at paragraph 4.11.2 of TAN 6 and which states that *in cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of a lack of need.*

The grant of planning permission pursuant to the current application would effectively be for a third worker's dwelling on a holding occupied by the Williams family. No third parties have been involved in the decisions relating to the three applications or in the decisions on the disposition of farm assets. Any need for the dwelling now proposed arises directly from those decisions to which some weight should attach.

It is a matter of fact that Eirianallt Goch was in the ownership of and occupied by Mr Williams Junior until November 2019 and retention of that property would have met the applicants current needs for a dwelling on the holding, its severance from the holding in 2019 must therefore be reasonably regarded as evidence of a lack of need as per the advice contained in TAN 6.

## **Conclusion**

In the absence of the “*secure and legally binding arrangements*” required by TAN, 6 there remains uncertainty regarding the delivery of the succession process relating to the transfer of the management of the farm enterprise to the next generation and extent of the control exercised or to be exercised by Mr Williams Junior. Consequently the LPA have not therefore been satisfied that “*secure and legally binding arrangements*” are in place in relation to the transfer of management responsibilities as required by TAN 6.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

The planning history and the severance of Eirianallt Goch from the holding in 2019 are material considerations which constitute evidence of a lack of need as per the advice contained in TAN 6.

## **Recommendation**

That the application is refused for the following reasons:

(01) The Local Planning Authority do not consider that it has been demonstrated that the enterprise is currently financially sound and has a clear prospect of remaining so contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(02) Insufficient information has been provided to demonstrate that there are secure and legally binding arrangements in place in relation to the transfer of the management of the farm enterprise to the next generation contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(03) The Local Planning Authority consider that the planning history relating to the holding and the recent sale of Eirianallt Goch demonstrates a lack of need contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)