

# Public Document Pack



CYNGOR SIR  
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ISLE OF ANGLESEY  
COUNTY COUNCIL

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, 3 MAI, 2023 am 1.00 o'r gloch yp</b>	<b>WEDNESDAY, 3 MAY 2023 at 1.00 pm</b>
<b>CYFARFOD HYBRID – YN SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGEFNI AC YN RHITHIOL DRWY ZOOM</b>	<b>HYBRID MEETING - COUNCIL CHAMBER, COUNCIL OFFICES, LLANGEFNI AND VIRTUALLY VIA ZOOM</b>
<b>Swyddog Pwyllgor</b>	<b>Mrs Mairwen Hughes 01248 752518 Committee Officer</b>

## AELODAU / MEMBERS

Cynghorwyr / Councillors:

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

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## **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  
Glyn Haynes (*Vice-Chair*)  
Trefor LI Hughes MBE  
John I Jones  
Robert LI Jones  
Jackie Lewis  
Dafydd Roberts  
Ken Taylor (*Chair*)  
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 or Officer in respect of any item of business.

#### **3 MINUTES\_**(Pages 1 - 16)

To submit, for confirmation, the minutes of the previous meeting of the Planning and Orders Committee held on 5 April, 2023.

#### **4 SITE VISITS\_**(Pages 17 - 18)

To submit the minutes of the Site Visits held on 26 April, 2023.

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## **5 PUBLIC SPEAKING**

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

None to be considered by this meeting.

## **7 APPLICATIONS ARISING\_ (Pages 19 - 72)**

Copy of letter to Richard Buxton Solicitors for information

7.1 – 46C427L/COMP - Land and Lakes, Penrhos Coastal Park, Holyhead  
[46C427L/COMP](#)

7.2 - S106/2020/3 - Land and Lakes, Penrhos Coastal Park, Holyhead  
[S106/2020/3](#)

7.3 - COMP/2021/1 - Land and Lakes, Penrhos Coastal Park, Holyhead  
[COMP/2021/1](#)

7.4 – FPL/2022/256 – Crown Street, Gwalchmai  
[FPL/2022/256](#)

7.5 – HHP/2022/291 – Monfa, Holyhead Road, Mona  
[HHP/2022/291](#)

7.6 – FPL/2020/247 – Y Bryn Estate, Llanfaethlu  
[FPL/2020/247](#)

## **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS\_ (Pages 73 - 78)**

10.1 FPL/2023/43 – 27 Zealand Park , Caergeiliog  
[FPL/2023/43](#)

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

None to be considered by this meeting.

## **12 REMAINDER OF APPLICATIONS\_ (Pages 79 - 106)**

12.1 – FPL/2023/49 - Canolfan Addysg Y Bont, Clidwrn Road, Llangefni

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[FPL/2023/49](#)

12.2 – FPL/2023/38 - Ysgol Gynradd Bodorgan Primary School, Bodorgan  
[FPL/2023/38](#)

12.3 – HHP/2023/51 – Lancefield, Ffordd Cynlas, Benllech  
[HHP/2023/51](#)

12.4 – ADV/2023/6 - Watchtower, Amlwch  
[ADV/2023/6](#)

12.5 – MAO/2023/2 - Land near Bryn Glas Estate, Brynsiencyn  
[MAO/2023/2](#)

12.6 – FPL/2022/219 - 1, Lon Deg, Holyhead  
[FPL/2022/219](#)

### **13 OTHER MATTERS**

None to be considered by this meeting.

## PLANNING AND ORDERS COMMITTEE

### Minutes of the hybrid meeting held on 5 April, 2023

- PRESENT:** Councillor Ken Taylor (Chair)  
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint Bebb, Jeff Evans, Neville Evans, Trefor Lloyd Hughes, MBE, John I. Jones, R. Llewelyn Jones, Jackie Lewis, Dafydd Roberts, Robin Williams, Liz Wood.
- Local Members: Councillors Douglas Fowlie (for application 13.5), Llinos Medi (for application 8.6), Dylan Rees (for application 8.5)
- Councillor Nicola Roberts (Portfolio Member for Planning, Public Protection and Climate Change and Local Member for application 13.4)
- IN ATTENDANCE:** Development Management Manager (RLJ)  
Group Engineer (Development Control and Traffic Management (AR)  
Planning Portal & Systems Support Officer (MO)  
Legal Services Manager (RJ)  
Committee Officer (ATH)
- APOLOGIES:** None received
- ALSO PRESENT:** Councillors Pip O'Neill, Ieuan Williams, Arfon Wyn, Senior Planning Officer (SOH), Senior Planning Officer (JR), Business Systems Manager (EW)
- 

#### 1. ELECTION OF CHAIRPERSON

Councillor Ken Taylor was elected Chairperson of the Planning and Orders Committee and he thanked his fellow committee members for the honour and trust placed in him. He also thanked his predecessor, Councillor Neville Evans for his contribution during his tenure as Chair of the Committee.

#### 2. APOLOGIES

None received.

#### 3. DECLARATION OF INTEREST

Councillor Jeff Evans said that he wanted to indicate a declaration of interest with regard to applications 8.1, 8.2 and 8.3 and that further he was asking that consideration of these items be deferred because he did not consider it right, fair or just for any parties concerned that the applications be determined before the legal issues have been resolved.

The Chair advised that Members would have an opportunity to express their views on those applications at the appropriate time in the order of business.

#### **4. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting of the Planning and Orders Committee held on 1 March, 2023 were presented and confirmed as correct subject to amending the first sentence of the fourth paragraph at page 10 under application 7. 2 to read, "*Councillor Geraint Bebb said that during the site visit to the proposed application site that the land is very wet.*"

#### **5. SITE VISITS**

None convened since the previous meeting of the Planning and Orders Committee.

#### **6. PUBLIC SPEAKING**

There were Public Speakers in respect of applications 13.4 and 13.6 on the agenda.

#### **7. APPLICATIONS THAT WILL BE DEFERRED**

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

#### **8. APPLICATIONS ARISING**

Submitted for the Committee's information - A copy of a letter to Richard Buxton Solicitors dated 28 March, 2023 by Burges Salmon LLP addressing issues raised with regard to the implementation of the Land and Lakes permission under reference 46C427K/TR/EIA/CON.

The Legal Services Manager was invited by the Chair to explain the context to the letter by Burges Salmon LLP.

Councillor Jeff Evans raised a point of order saying that he wanted to speak about a deferral of applications 8.1, 8.2 and 8.3 and that he believed this should be heard before anyone else spoke on the matter especially as he had indicated an interest in those applications and would therefore be withdrawing from the meeting if they were discussed.

The Chair ruled that the Legal Services Manager would be speaking in advance of the consideration of applications 8.1, 8.2 and 8.3 and he assured Councillor Evans and other members of the Committee that they would be able to speak when those substantive items actually came to be considered.

The Legal Services Manager explained that Land and Lakes were granted planning permission to develop the Penrhos, Cae Glas and Kingsland sites several years ago. In January, 2023 the Council received a letter by Richard Buxton Solicitors which he understood was available on social media channels and was therefore public, which challenged the permission. In recognition of the significance of the application to local residents, the Council sought to respond to the letter in a way that was transparent and available to all interested parties. Working with Burges Salmon who have been engaged by the Council for many years to provide advice with regard to the Land and Lakes application, the letter which has been published as part of this meeting's documentation, was drafted. The Legal Services Manager said that he would not go into the letter in detail only to say that it was technical in its contents and that it responded to matters that were also technical in their nature. However, the conclusions set out at the end of the Burges Salmon letter are couched in less technical terms and are clear, and they represent the Council's standpoint on the matter. A further letter from Richard Buxton Solicitors was received on 3 April, 2023 which he understood was also available on social media; this letter has been considered by Officers and has been discussed with Burges Salmon and the Officers are satisfied that it does not raise any new issues of substance nor alter the conclusions set out in the letter by Burges Salmon.

The Legal Service Manager advised that the matters raised in the letters do not involve applications 8.1, 8.2 and 8.3 on the agenda for this meeting, since these are about specific, detailed issues under the planning permission and Section 106 agreement. He clarified that the Council had not published the correspondence by Richard Buxton Solicitors as not having ownership of the correspondence it has not the right to do so, the correspondence in any case being accessible on social media.

**8.1 46C427L/COMP – Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON at Land and Lakes, Penrhos Coastal Park, Holyhead**

The application was reported to the Planning and Orders Committee as it related to the discharge of obligations of a Section 106 Agreement attached to the consent of an application which was accompanied by an Environmental Impact Assessment. It was therefore referred to the Committee for determination in accordance with paragraph 3.5.3.10 of the Council's Constitution.

Councillor Jeff Evans was at this point invited to speak by the Chair; Councillor Evans reiterated that he had declared an interest in this and subsequent applications 8.2 and 8.3 and would be leaving the meeting should they be discussed. He said that he would not be participating nor voting on the applications until all the legal arguments, issues and challenges had been fully considered and resolved to the satisfaction of all parties. He thought that taking this course was right, honest and fair and would allow everyone to be confident that planning matters take full and unbiased consideration of all persons' views whether they be for or against. That is why he was asking that applications 8.1, 8.2 and 8.3 be deferred until all the legal teams consider it right and appropriate to proceed. As there was not a joint opinion on how to proceed he felt he could not go forward on this matter as he thought it would be unfair to the public, to those who were for or against the proposal and to the Committee in being asked to vote on it.

In response to a question by Councillor Jeff Evans about whether it was appropriate for him to ask for a deferral, the Legal Services Manager advised that a proposal to that effect could be made and voted upon if it was seconded. Councillor Jeff Evans proposed that consideration of applications 8.1, 8.2 and 8.3 therefore be deferred and the proposal was seconded by Councillor R. Llewelyn Jones.

Councillor Robin Williams referred to an allegation made in a recent e-mail to the Committee's members about there being evidence to show what work had or had not been undertaken on the site and he asked that such evidence be made available to the Committee's members before the matter is considered further especially as the original consent for the Land and Lakes application and the discussions around it took place before the current Committee's membership was formed and he felt that he and most of his fellow members were therefore flying blind on this issue.

The Development Management Manager advised that the legal issues are outside of the three applications under consideration; a legal opinion has been obtained from Burges Salmon and the Council's standpoint has not changed. He confirmed that evidence regarding work undertaken was available and is on file with the developer having submitted reports to demonstrate the work done; this has been taken into account by Burges Salmon in coming to their conclusions. The three applications presented to today's meeting are in connection with specific issues under the Section 106 agreement only and have nothing to do with the legality of the permission which has been considered and addressed by the Burges Salmon response to Richard Buxton Solicitors.

In response to a request for clarification by the Chair regarding the proposal to defer, specifically the deferment period, Councillor Jeff Evans said that he was asking that the three applications be deferred until such time that the legal issues on both sides have been considered be that for a month or longer. He wanted the solicitors on both sides to come to a conclusion that it is appropriate to move forward so that the Committee can then fairly come to a determination. Currently there remains a difference of opinion about the rightness or otherwise of the permission and what work has or has not been undertaken.

The Legal Services Manager advised that the proposal is in effect for an indeterminate deferral since planning process does not allow for some form of compromise over a permission that has already been issued. He explained that it had taken some months to come to this point because Officers had been carefully scrutinising the permission and conditions to establish whether there were any weaknesses and the conclusions are as outlined in the Burges Salmon letter. Land and Lakes have a right in law to their permission and the only mechanism available to challenge that would be by way of a judicial review of the decision through the courts which is not a matter before the Committee. To defer is therefore tantamount to not making a decision with regard to the three applications as a compromise between those who object to the permission and think it invalid and the Council which is of the view that matters pertaining to the permission are valid and proper, is improbable.

Councillor Robin Williams who had indicated his support for a deferral clarified that he did not appreciate that it might be indefinite thinking that any deferment would be for a month until the next meeting to allow the evidence to which he had referred to be presented and he was therefore withdrawing his support for the proposal.

Councillor Jeff Evans said that he thought a month should be a sufficient and would commit both sides to resolve matters at the earliest opportunity and he amended his proposal accordingly.

The Legal Services Manager further advised that he thought it would not be possible to act on a deferral on the terms proposed as it would be asking Officers to negotiate on something that is contrary to the requirements of the system and procedure and would place them in an impossible position and might even conflict with their professional standards requirements as legal and planning officers.

Councillor Trefor Lloyd Hughes, MBE referred to the original application being a hybrid application with three elements to it namely Kingsland, Cae Glas and Penrhos and he sought clarification about the status of the Kingsland and Cae Glas elements and whether these had fallen through.

The Development Management Manager confirmed that the consent granted is a hybrid consent as although the majority of the consent is outline, some elements are for full consent the reason being that change of use i.e. for the listed buildings on the site cannot be dealt with under outline consent so those elements come under the full consent. The three applications submitted as part of the business of today's meeting refer to Penrhos alone; for the Kingsland and Cae Glas developments to go ahead would require a legal agreement between Land and Lakes and a new developer for the Wylfa Nuclear site which is unlikely in the short-term.

Councillor Trefor Lloyd Hughes, MBE therefore asked and it was confirmed that the matters under consideration today are the discharge of conditions in relation to the Penrhos site only and not the matter of the Land an Lakes planning consent. He further commented about correspondence that had come through to the Committee's members and felt that a month's deferral was required.

Councillor Robert Ll. Jones said that that the situation involves two sets of solicitors with two completely different opinions about the Land and Lakes consent with the Council taking the opinion of Burges Salmon because it keeps the consent alive. He referred to the letter by Burges Salmon as being complex saying that he could not come to a conclusion on the basis of the letter and emphasised that Members have to understand what they are being asked to determine. He felt that the matter was being pushed through when there is a great deal of local concern about Penrhos and that not enough regard had been paid to the correspondence and viewpoint put forward by Richard Buxton Solicitors.

The Legal Services Manager advised that Members did not have to fully understand all the legal points set out in the Burges Salmon letter as they were not required to come to any determination regarding them or the letter which had been submitted for information only. The applications to be determined relate to specific matters within the planning consent in respect of the Penrhos site and have nothing to do with the matters raised in the letter.

On being asked to confirm his proposal, Councillor Jeff Evans said that it was for a deferment of applications 8.1, 8.2 and 8.3 for a period of a month; Councillor R. Llewelyn Jones confirmed that he was seconding the proposal. In the ensuing vote on the matter, the proposal to defer applications 8.1, 8.2 and 8.3 for one month was carried.

**It was resolved to defer consideration of the application for the reason given.**

**8.2 SI06/2020/3 – Submission of “Penrhos Coastal Park Welsh Language Scheme” under Section 1 (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.2.2 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008/Rev.03 dated 03/03/2016 at Land and Lakes, Penrhos Coastal Park, Holyhead**

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

**It was resolved to defer consideration of the application for the reason given.**

**8.3 COMP/2021/1 – Submission of information necessary to discharge sections Schedule 8, Section 1, Clause 1.1 Car Parking and Public Access Strategy – Penrhos Coastal Park Phase; Schedule 8, Clause 12.2 Ancient Woodland Scheme – Penrhos Coastal Park Phase; Schedule 8, Section 15, Clause 15.1 Green Linkages Scheme – Penrhos Coastal Park Phase; Schedule 8, Section 17, Clause 17.1, SSI Management Scheme – Penrhos Coastal Park Phase; Section 8, Section 19, Clause 19.1 Ecological Survey and Monitoring Scheme – Penrhos Coastal Park Phase; Schedule 8, Section 19, Clause 19.4 Ecological Compliance Audit – Penrhos Coastal Park Phase; Schedule 8, Section 20, Clause 20.1 Existing Tree Management Scheme – Penrhos Coastal Park Phase; Schedule 8, Section 21, Clause 21.1 Warden Service Appointment/Warden Service Annual Reporting – Penrhos Coastal Park Phase; Schedule 8, Section 21, Clause 21.2 Warden Service Security Obligations/AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase; Schedule 8, Section 21, Clause 21.3 Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase; Schedule 9, Section 3, Clause 3.1 Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase; Schedule 11, Section 1, Clause 1.1 Local**

**Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EI/ECON at Land and Lakes, Penrhos Coastal Park, Holyhead**

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

**It was resolved to defer consideration of the application for the reason given.**

**8.4 HHP/2022/342 – Full application for alterations and extensions at Islwyn, Holyhead Road, Llanfairpwll**

The application was reported to the Planning and Orders Committee having been called in at the request of Councillor Robin Williams due to concerns that the development would impact the neighbouring property. At its meeting held on 1 March, 2023, the Committee resolved that a physical site visit be undertaken. However the application was withdrawn before the site visit was due to take place on 15 March, 2023.

**Application withdrawn.**

**8.5 FPL/2022/173 – Full application for the change of use of agricultural land to site 32 holiday lodges, reception building, construction of new vehicular access, construction of new on site roads and parking areas and associated works on land adjacent to Lôn Penmynydd, Llangefni**

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 1 March, 2023, the Committee resolved to refuse the application contrary to the Officer's recommendation the reasons being that the proposal would not enhance the site and would be contrary to Policy PCYFF3 of the Joint Local Development Plan; the ecological report accompanying the planning application does not address the proposal's impact on red squirrels; the chalets could be used as residential dwellings in future and concerns regarding highway safety.

The Development Management Manager addressed the reasons cited for refusing the application at the previous meeting and described how the proposal complies with the criteria of Policy PCYFF 3 as set out in the report in being a high quality development on a site that is considered to be well designed incorporating a woodland to the North and South boundary of the site as well as planting around the site, a wildflower meadow, amenity grass and woodland planting. The landscaping scheme will provide a buffer to the existing treeline and will be a positive contribution towards biodiversity; if the site remains grazed by animals the existing trees and hedges would most likely degrade with little benefit to biodiversity on the site.

The proposal also provides a public footway from the site which would link to the existing public footway near the link road. The site has excellent connectivity to a bus route, cycle route and many shops within Llangefni town centre. The proposal is therefore considered to be compliant with Policy PCYFF 3 and a refusal on that basis cannot be justified.

As regards the concerns raised by the Committee about the proposal's impact on red squirrels the applicant has submitted a further ecological report. The Council's Ecologist and NRW were consulted and it was noted that it is unlikely that the proposal will affect red squirrels as all but two trees on the site will be retained and the development is confined to an open agricultural field. The Ecologist makes further comments about the positive impact of the proposal on red squirrels as a result of new planting. A squirrel survey was undertaken on 12 March, 2023; the survey for dreys was negative and concluded that there will be no

negative impact on red squirrels. The survey goes on to note that there will be an improvement in habitat connectivity as a result of new planting which will also be of benefit to the red squirrel. It is therefore considered that the proposal improves the biodiversity of the site and will have no impact on red squirrels.

The concerns raised at the previous meeting about the possible future use of the chalets as permanent residential units will be addressed by a planning condition which restricts their use to holiday use only and requires the applicant to keep an up to date register of all the chalets' occupiers. The applicant has confirmed that the site will be used for holiday letting use only and that there is no intention to sell the units, and he is willing to enter into a Section 106 agreement to keep the site as one planning unit. It is therefore considered that the Committee's concerns on this point have been addressed and is not a reason for refusing the application.

In terms of highway safety, following concerns raised about the timing of the original traffic survey conducted, a further speed survey was arranged by the applicant which was undertaken in February and was based on a worst case scenario. This survey showed that speeds were lower than those recorded in the original survey and that the visibility splay is adequate for the development. Part of the existing hedge to the east of the access will be moved back to ensure adequate visibility and the roundabout to the west will naturally slow traffic speeds in both directions. The Highways Service have confirmed that they are satisfied with the access and visibility arrangements. Consequently, it is not considered that highway safety is a sufficient reason to refuse the application and the Officer's recommendation remains one of approval.

Councillor Dylan Rees spoke as a Local Member and said that while the proposal is for 32 holiday lodges the further ecology report refers to a holiday lodge and caravan park development which intimates that the applicant has further designs in terms of what will be located on the site. Although he was glad that this report did consider the impact on red squirrels, he still had concerns on this point as the report cites the only evidence of a red squirrel as being a dead red squirrel found over 600m from the proposed development whereas local residents have seen red squirrels regularly coming to their gardens at much less distance than 600m from the site. The report states that 3,500 new native trees will be planted as a mitigation measure but does not specify whether any of those will be mature trees, as saplings will be of little or no benefit to red squirrels or other species for many years. He asked therefore that in the event the proposal is approved, any new tree planting will be of mature trees. Despite the comments of a member at the last meeting that the proposal complies with policy and legislation he maintained otherwise and was of the view that it fails to meet the requirements of Planning Policy Wales's TAN 5 in respect of Nature Conservation and Planning. He also highlighted one of the seven goals of the Well-being of Future Generations Act which was to promote a resilient Wales; according to the Future Generations Commissioner for Wales, this should be focused on enhancing a biodiverse natural environment with healthy functioning ecosystems as well as protecting natural green spaces. Councillor Rees said that the application is outside the permitted development boundary the whole point of which is to protect natural green space. One reason given for approving the proposal at last month's meeting was the economic benefits that it would bring to the area. However, his fellow ward member, Councillor Paul Ellis, a local businessman spoke against the application and has said that he cannot see the local area benefitting economically from it. He therefore asked the Committee to adhere to its previous decision to refuse the application.

The Development Management Manager responded to the points made saying that the further ecology report recognises that red squirrels do move around; the application site is an open agricultural field defined by existing trees and hedgerows which are of poor quality. It is the Officer's view that the proposal and the landscaping and woodland scheme which

forms part of it will enhance the biodiversity of the site and also contribute to achieving the goals of the Well-being of Future Generations Act. Policy does not require holiday accommodation to be sited within a development boundary which requirement applies more specifically to housing developments. Proposals such as that under consideration would usually be located outside the development boundary but would be expected to demonstrate good connectivity with the surrounding community.

Councillor Nicola Roberts, Portfolio Member for Planning referred to the local objections to the proposal saying that although she thought the development was a quality development, local residents believe it is in the wrong location.

Councillor Jackie Lewis thought that the proposal in being a high quality development would improve the site; the Highways Authority was accepting of the proposal and it was likely to create employment opportunities. It had sustainable links with Llangefnï and could bring visitors into the town. She therefore proposed that the application be approved in accordance with the Officer's recommendation. The proposal was seconded by Councillor Liz Wood.

Councillor Geraint Bebb proposed that the Committee's previous refusal of the application be reaffirmed as he believed the proposal to be contrary to criteria 6, 9, 10, 11, 12 and 13 of Policy PS5; Policy PS14 in not protecting the natural environment and being over reliant on tourism which also goes against Policy TWR 1; Policy PCYFF 1 in being outside the development boundary; criteria 3 and 4 of Policy PCYFF 2; Policy PCYFF 3 in not giving sufficient consideration to its natural environment context nor improving the character or appearance of the site; Policy PCYFF 4 and Policy AMG 5. Councillor John I. Jones seconded the proposal of refusal.

The Development Management Manager reiterated the merits of the proposal as regards its green and environmental credentials saying that the Council's Highways Authority, Ecologist and Landscape Officer as well as Welsh Water and NRW were satisfied with the proposal. The policy context has been considered by the Planning Service as well as the Joint Planning Policy Unit and the proposal is considered compliant.

Councillor Dafydd Roberts thought the proposed development did not comply with criterion 2 of Policy PCYFF 3 in not respecting its context and place within the local landscape and in changing the character of the area. He felt the proposal was inappropriate for this location.

Councillor Jeff Evans thought the benefits outweighed the disadvantages the proposed development being more than a standard development and likely to attract visitors who more than likely would shop in Llangefnï town and make use of its facilities.

In response to further comments the Development Management Manager confirmed that the proposal's impact on the Welsh language had been considered and due to the holiday usage involving temporary stays it was not considered that it would have an impact on the community.

In the ensuing vote, the proposal to approve the application in accordance with the Officer's recommendation was carried.

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

**8.6 FPL/2020/247 – Full application for the erection of 9 dwellings together with associated works on land adjacent to Y Bryn Estate, Llanfaethlu**

The application was reported to the Planning and Orders Committee as it had originally been called in for the Committee's determination by a former Councillor and Local Member. The planning application was approved by the Committee at its meeting in April, 2021 subject to conditions and the completion of a legal agreement. Following this resolution an amended ownership Certificate C was submitted by the applicant giving notice to the Council as landowner. The application was subsequently referred back to the July 2021 meeting of the Committee at which it was approved. The legal agreement has yet to be completed. However, as amended plans have been received, it is considered necessary to publicise, consult and further report to the Planning and Orders Committee in light of these proposed changes.

Councillor Llinos Medi, a Local Member referred to the planning history of the application site and said that it had over time been discussed extensively by the Community Council. She highlighted that the amended plans had only been issued for consultation and publicity on 17 March and that a meeting of the Community Council had taken place on 3 April, after which she was beginning to receive expressions of concern by neighbours saying that the application had been unclear. Councillor Llinos Medi also spoke about historic drainage and sewerage problems in the village of Llanfaethlu and said that there were serious concerns within the community on that basis. She felt that neither she nor the community had had sufficient time to formulate a viewpoint and case regarding the application and she was therefore requesting that consideration of the application be deferred for a month to allow the community council time to scrutinise the application in accordance with timescales.

The Development Management Manager acknowledged the point being made and confirmed that he had no objection in principle to a deferral recognising that the consultation/publicity period did not expire until the 7<sup>th</sup> April. He explained that the Officer's recommendation would have been to approve the application subject to no new matters being raised before the expiry of the consultation period. He advised however that the proposal for 9 dwellings has been granted planning permission with the legal agreement remaining to be completed. The application submitted to today's meeting is for amended drainage plans only which have already received SAB approval. The Development Management Manager said that nevertheless he would be willing to hear local concerns about drainage.

Councillor Robin Williams was supportive of a deferral saying that the scheduling of community council meetings does not always coincide with consultation timescales e.g. a community council may receive notification of a proposed development in its area on a specific date but may not be due to meet for some time afterwards thereby curtailing the time it has to consider the proposal. He recognised that the consultation timescale ran for 21 days but asked that consideration be given to timing when issuing details of an application. He proposed that consideration of the application be deferred; the proposal was seconded by Councillor Jeff Evans.

**It was resolved to defer consideration of the application for the reason given.**

## **9. ECONOMIC APPLICATIONS**

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

## **10. AFFORDABLE HOUSING APPLICATIONS**

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

## **11. DEPARTURE APPLICATIONS**

### **11.1 FPL/2023/30 – Full application for the erection for a dwelling together with the erection of an annexe (so as to amend the design and siting approved under application reference FPL/2022/116) at Wylfa, Pencarnisiog, Ty Croes**

The application was reported to the Planning and Orders Committee as it was a departure by virtue of being contrary to Policy PCYFF 1 of the Anglesey and Gwynedd Joint Local Development Plan which the Local Planning Authority was minded to approve due to the valid fall-back consent.

The Development Management Manager reported that the principle of a dwelling in this location has been established under previous planning permission 28C108D which has been safeguarded via a material start and is therefore valid in perpetuity. He referred to the dimensions of the proposed development compared with those of the proposal under the safeguarded consent confirming that despite the larger massing resulting from the increased floor area, the reduced height of the proposal as now submitted will ensure that it is not more visually prominent. The nearest neighbouring property is 25 metres to the south east of the site and as such it is not considered that it would be affected to any greater degree than would occur from the safeguarded scheme the two properties being also separated by a highway. The scheme as presented also differs from the original safeguarded consent as it proposes a garden room/annexe building. The annexe will share the same garden and parking area as the main dwelling and is not of a scale/level of provision where it could be readily sub-divided into a separate planning unit. A condition is proposed that ensures its use as ancillary to the residential use of the main dwelling. Ecological enhancements are also proposed as part of the scheme and the proposal will utilise the same access arrangement as that under the previous permission meaning there are no objections from the Highways Authority. The proposal is deemed acceptable and a betterment to the extant permission and is therefore recommended for approval.

Councillor Neville Evans proposed, seconded by Councillor Geraint Bebb that the application be approved in accordance with the Officer's recommendation.

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

## **12. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

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

## **13. REMAINDER OF APPLICATIONS**

### **13.1 LBC/2023/1 – Listed Building Consent for conversion of abandoned listed building into 4 social housing flats, together with external and internal works at Plas Alltran, 3 Turkey Shore Road, Holyhead**

The application was reported to the Planning and Orders Committee as it was for development on land in the Council's ownership.

The Development Management Manager reported that the subject building has been vacant since the early 1970s and is currently in a state of disrepair having suffered structural damage as a result of water ingress and pigeon infestation. Arson and vandalism have also led to fire damage. Plas Alltran has been on CADW's Buildings at Risk Register since 2001 and was denoted as being in a very bad condition in a Historic Asset Risk Assessment in

December 2020. Additionally, the building is on the Victorian Society's top 20 buildings at risk in the UK. Listed building consent was granted for conversion, demolition of part of the building and erection of extension in lieu with external and internal works on October, 2021 but because of the need to make cost savings, the contractors are seeking to make changes to the scheme as described in the report. Having been vacant for nearly 50 years, this prominently located listed building will continue to deteriorate until remedial works are undertaken. The granting of listed building consent and planning permission and implementation of the proposals would safeguard the building's future; the recommendation is therefore one of approval.

Councillor Jeff Evans speaking as a Local Member referred to Plas Alltran as a wonderful looking building which was now in a dilapidated state and which was situated on an awkward corner by the main roundabout into the Port. Whilst he welcomed the prospect of bringing the building back into use noting that remedial works had been going on for a few months he had some reservations regarding parking provision with issues having arisen in the vicinity with vehicles parked on pavements.

The Development Management Manager clarified that the application under consideration was for listed building consent involving internal and external works to the building the proposal having already secured planning consent with parking having been considered as part of that process. Therefore the principle of the development is not a matter for discussion.

Councillor Jeff Evans proposed that the application be approved in accordance with the Officer's recommendation; the proposal was seconded by Councillor Jackie Lewis.

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

### **13.2 FPL/2023/6 – Full application to house a storage container for storage of equipment at Old Station Yard Car Park, High Street, Llangejni**

The application was reported to the Planning and Orders Committee as it was made by the Isle of Anglesey County Council.

The Development Management Manager reported that the application was to temporarily house a storage container to keep materials and tools to hand for repair works at the Dingle Local Nature Reserve. He referred to the dimensions of the proposed container saying that it was not considered the proposal would have any impact on residential amenity as there are no immediate neighbours to the site. The container would be set back from the road so as not to distract road users and its visual impact would thereby be minimal. A condition to ensure its removal and reinstate the land to its original condition within 5 years of consent is also proposed. The recommendation is therefore to approve the application.

Councillor Geraint Bebb, seconded by Councillor Robin Williams proposed that the application be approved in accordance with the Officer's recommendation.

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

### **13.3 FPL/2023/24 – Full application for change of use of land to form part of the residential curtilage at Bryn Fedwen Cottage, Gaerwen**

The application was reported to the Planning and Orders Committee as it involves land which is owned by the Isle of Anglesey County Council.

The Development Management Manager reported that the proposal involves changing the use of the land north of the main dwelling into part of the property's residential curtilage and would allow the septic tank that services the property currently located within the parcel of land to be brought within the curtilage of the property. As part of the proposal, the applicant also seeks to make environmental improvements to the land once it has been acquired as part of their residential curtilage. It is not considered that the proposed development will have any greater impact on its surrounding natural environment or on any neighbouring properties than at present and the recommendation is to approve the application.

Councillor Dafydd Roberts proposed, seconded by Councillor Robin Williams that the application be approved in accordance with the Officer's recommendation.

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

#### **13.4 HHP/2022/291 – Full application for the conversion of the garage into an annexe at Monfa, Holyhead Road, Mona**

The application was reported to the Planning and Orders Committee at the request of a Local Member due to local concerns regarding the application.

##### *Public Speaker (Objector)*

Mr Richard Meirion Jones spoke as an objector to the application saying that he had concerns about the new building from the outset when it was being built originally. He did not object to the original consent which was to build a new garage in place of the existing garage as it was on a like for like basis even though it did not appear there was anything wrong with the building as it was. As the building work started it became apparent that it was not in keeping with the permitted plans with the new building looking more like a bungalow than a garage or workshop. His daughter complained to the Council on his behalf and a retrospective application for a different kind of consent had to be made because the applicant had acted contrary to the rules. Mr Jones said that although he had objected to that application, because of the system his comments were not considered until it had been approved. He was therefore worried that the same thing would happen again which is why he wanted to address the Committee directly. While the application is to convert the garage into an annexe he was confident that the building had never been used as a garage or workshop since it was built. It seemed to him that the applicant had taken advantage of the planning process by building something more akin to a bungalow from the start with the intention that it be lived in. Mr Evans said that he saw that from the beginning which is why he objected. He questioned whether the building meets the same standards as would have to be met had it been a new dwelling that was being built from the start, and given its proximity to his own dwelling, he also had concerns about sewerage and the soakaway encroaching onto his own land. He was further concerned about parking and the impact on highway traffic. The site only has space for three vehicles which will not be sufficient if another two persons come to live there. Any extra vehicles would have to park on the A5 itself. Although the owner says that his parents do not drive, things can change and any visitors would in any case lead to more traffic. With new houses, parking provision usually has to correspond with the number of bedrooms – three bedrooms, three parking spaces. Mr Evans highlighted that the area is already busy and said that he understood the owner who lives next door runs a carpet business with lorries delivering carpets as well as a hairdressing business also.

The Development Management Manager referred to the main planning considerations as set out in the Officer's report and said that as the application site is in an open countryside

location with only a few nearby residential properties and as no issues of overlooking will arise from the proposed change of use, it is not considered that the proposal will have any negative effect on nearby residential amenities. Consent would be conditional upon the proposed annexe being used at all times as ancillary to the main dwelling. He cautioned against surmising about possible future use of the building in coming to a determination saying that conditions are imposed for a reason in order to ensure that development takes place accordingly. The applicant has been granted planning permission for the garage which is of a high quality build and there is nothing wrong with having a quality garage and/or workshop to complement the main dwelling which is what policy and design advocate. Foul water will connect to the current septic tank with surface water connecting to the current soakaway; Welsh Water have not raised any objections to the arrangements. As regards parking the property is a detached property with a private drive and surrounding garden providing sufficient parking space to which the Highways Authority has no objections. The applicant has provided justification for the annexe and the Council's Council Tax Department has confirmed that the applicant lives in the main dwelling on a permanent basis and pays full Council Tax. The justification provided together with the small scale nature of the development and its ancillary use to the main dwelling ensures that it will have negligible impacts on neighbouring properties and the recommendation is therefore to approve the application.

Councillor Nicola Roberts, a Local Member confirmed that she had called in the application due to there being history to the site and said that she had visited the property on at least three occasions in the last year and had seen visitors staying on site. Given that current policy makes it difficult to refuse the application she asked the Committee to ensure that the development if approved, adheres strictly to the conditions imposed to ensure that the annexe remains as such and does not become an additional independent dwelling in the countryside. She urged the Committee to read the application carefully, to ensure that the conditions are kept and if necessary to go out and visit the application site.

The Development Management Manager provided assurance that condition (3) restricts the usage of the proposed annexe as ancillary to the residential use of the main dwelling and he confirmed that the property is no longer listed on Airbnb nor on coolstays.com with the applicant having provided justification of permanent residence.

In response to a question by Councillor Robin Williams whether Council Tax is paid on the annexe, the Development Management Manager clarified that Council Tax is paid on the main dwelling with the annexe as an ancillary part of one residential unit. The applicant's intention is for the annexe to provide accommodation for his parents and as such it would remain as an ancillary part of the main residential dwelling and would not be subject to separate Council Tax. Responding to a further question by Councillor Robin Williams regarding the monitoring of the arrangement, the Development Management Manager advised that the Planning Service is not able to police every planning permission across the Island and any complaints about contravention of conditions would have to be dealt with at the time.

Councillor Jackie Lewis referred to what she understood from the Public Speaker's comments as businesses being run from the site and she queried whether if that was the case, any additional provision needed to be made and whether it needed to be investigated further.

The Development Manager confirmed that as the Planning Service was not aware of any business being run from the property, it had not been taken into consideration. As previously advised, a condition on consent would in any case restrict the use of the annexe. In response to a question about the creation of an additional bedroom in the annexe requiring the provision of an additional parking space, the Development Management Manager

reiterated that property has a large private driveway and that the Highways Authority had raised no concerns on that basis.

Councillor Robin Williams sought clarification of the Public Speaker as to where the businesses he had referred to were being run from. Mr R.Meirion Jones said that when he complained about this matter in August, the application was withdrawn after which the applicant said that he was living at the property permanently. The applicant lives next door from where he runs a carpet business and a hairdressing business. Monfa was let as an Airbnb property throughout last summer but was de-listed over the winter. It was advertised as a disabled let which means the applicant's parents could live at the property without the need for an annexe. Mr Jones said that the garage does not need converting as it has been an annexe from the beginning.

Councillor Robin Williams subsequently proposed that as he had concerns about what was actually taking place on the application site and to provide clarity a physical site visit be undertaken so that the Committee's members could see the site for themselves. Councillor Geraint Bebb, sharing those concerns, seconded the proposal.

**It was resolved that a physical site visit be undertaken for the reason given.**

**13.5 FPL/2022/256 – Full application for the erection of 33 affordable homes, new vehicular and pedestrian access, construction of new estate road together with associated works on land adjacent to Crown Street, Gwalchmai**

The application was reported to the Planning and Orders Committee at the request of both Local Members.

Councillor Neville Evans, speaking as a Local Member and member of the Community Council asked that a physical site visit be carried out given the strength of feeling locally regarding the application with concerns having been raised about the scale of the development and mix of units amongst other matters.

Councillor Robin Williams proposed, seconded by Councillor John I. Jones that a physical site visit be undertaken.

**It was resolved that a physical site visit be undertaken in accordance with the Local Member's request for the reasons given.**

**13.6 FPL/2022/85 – Full application for an extension to the existing golf course to create a Putt Stroke putting course, together with the erection of a clubhouse building, a bar and refreshment building, a "half-way house" refreshment building and toilet block and associated development at Llangefni Golf Club, Llangefni**

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

*Public Speaker (Supporter)*

Mr Mathew Wharton, the applicant and PGA Professional at the Llangefni Golf Driving range said that he had taken over the running of the range from the Council in 2018. The range had been a hugely successful facility not only developing the game of golf after the closure of the Council's golf course but establishing a junior academy and working with relevant agencies to provide tuition to underprivileged children, school children and also teaching adults with learning difficulties. The Poby Pizza has also been successfully established in the old golf shop and many local people are employed throughout the business. The

proposal presented is to extend the offer on site for families and children to create a new putt stroke putting course, a small clubhouse facility, a halfway house, landscaping scheme and a toilet block, which it is believed will be the first facility of its kind in the UK. Mon Actif have written a letter of support saying that they will be encouraging local schools to use the facility to introduce not only fun but fundamental movement skills and basic golfing technique. This underlines the whole ethos of the scheme of providing a fun facility which will be open to members of the family in a safe and enjoyable environment. The proposal represents a considerable investment there having been an excellent relationship with the Council in developing the business thus far. He hoped that the Committee would support the Officer's recommendation and approve the development.

The Development Management Manager reported that the application site is located outside the development boundary of Llangefni on land associated with and adjacent to the existing golf course. An existing pizza restaurant is also located on the site and Oriel Môn is adjacent. As the application site is not located within the development boundary the proposal must be considered against other plan policies. The proposal is considered to be acceptable as regards layout and design and as such, accords with the provisions of policies PCYFF3, PCYFF 4 and AMG 5. The proposal creates additional facilities to those already on site and will attract families and their children as well as tourists to the area. The site has been transformed by the applicant since 2018 and the proposal will introduce something new and unique to the site and area and by virtue of its nature, location, layout, design and appearance is considered to accord with the provisions of policies PS14 and TWR 1. The Officer therefore recommends approval of the application.

Councillor Robin Williams in proposing that the application be approved commented on the excellence of the existing driving range facility established since 2018; the proposal of approval was seconded by Councillor Geraint Bebb.

Responding to a question by Councillor Trefor Lloyd Hughes, MBE about the potential impact on the Oriel Môn café, the Development Management Manager advised that the application for a Putt Stroke putting course and golf linked facilities proposes a different offering to that provided by Oriel Môn and would likely appeal to a different market and customer.

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

#### **14. OTHER MATTERS**

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

**Councillor Ken Taylor  
Chair**

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## PLANNING SITE VISITS

### Minutes of the meeting held on 26 April, 2023

- PRESENT:** Councillor Ken Taylor (Chair)
- Councillors Geraint Bebb, Jeff Evans, Neville Evans, Glyn Haynes, Trefor Lloyd Hughes, MBE, John I. Jones, R. Llewelyn Jones, Dafydd Roberts
- IN ATTENDANCE:** Development Management Manager (RLIJ)  
Senior Planning Officer (SOH)  
Planning Officer (OHR)
- APOLOGIES:** Councillors Jackie Lewis, Robin Williams, Liz Wood
- ALSO PRESENT:** Local Members: Councillor Douglas Fowlie (for application 2)
- 

**1. HHP/2022/291 – Full application for the conversion of the garage into an annexe at Monfa, Holyhead Road, Mona**

The case officer presented the planning application to the members of the Planning Committee. The application site was viewed from within the curtilage of the property.

**2. FPL/2022/256 – Full application for the erection of 33 affordable homes, new vehicular and pedestrian access, construction of new estate road together with associated works on land adjacent to Crown Street, Gwalchmai**

The case officer presented the planning application to the members of the Planning Committee. The application site was viewed from the existing access and from the car park to the rear of Maes Meurig.

**Councillor Ken Taylor  
(Chair)**



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Our ref: PR01/DW06/38964.102/ROBIN

Your ref: Land and Lakes

28 March 2023

When telephoning please ask for: Patrick Robinson

Dear Isle of Anglesey County Council

## Land and Lakes Implementation

### 1 Background

1.1 The Council is presently engaged in considering the adequacy of steps taken to discharge s106 agreement obligations in relation to the Penrhos, Cae Glas and Kingsland site by Land and Lakes (“LL”). At the same time as doing so questions have been raised by and on behalf of interested parties over the lawfulness of the works undertaken to implement the planning permission for the development (reference 46C427K/TR/EIA/CON – the “**Permission**”). We have been asked to advise on those questions, and will do so by addressing whether:

- (a) the works of implementation undertaken are “**material operations**” for the purposes of section 56(4) Town and Country Planning Act 1990 (“**TCPA**”) and so are adequate to implement the Permission;
- (b) the nature of Condition 30, in its operation as a Condition Precedent, means that a failure to discharge conditions prior to the deadline in Condition 4 will result in subsequent works being made unlawful and incapable of implementing the permission; and
- (c) the actions taken in respect of the Bailiff’s Tower are sufficient to institute a change of use.

1.2 For the reasons given below we confirm as correct what we understand to be the Council’s stated position to date, namely that there has been lawful implementation of the Permission.

### 2 The Permission and Approvals Granted

2.1 In providing this advice, it will help if we highlight that the following conditions in the Permission are important:

1. The development hereby approved under this planning permission may be delivered on a phased basis and applications to the Local Planning Authority for the approval of the appearance, landscaping, layout and scale (hereafter called the “**Reserved Matters**”) in respect of a Phase or any component parts of the development shall be carried out in conformity with the approved Phasing Plan(s).

2. No development of any Phase or component part of the development shall commence until the Reserved Matters in respect of that Phase or component part of the development has been approved in writing by the Local Planning Authority.

WORK48100189/v.1

4. The development hereby permitted shall commence no later than whichever is the later of the following dates:

- (a) the expiration of 5 years from the date of the grant of this permission; or
- (b) the expiration of 2 years from the date of the approval of the first Reserved Matters Application ("**RMA**") to be approved.

5: No development shall commence until a Phasing Plan for each Phase of the development has been submitted to the Local Planning Authority and approved by it in writing. The Phasing Plan shall provide a timetable for the sequential implementation, completion and occupation/use of all areas and component parts of the Phase together with detail of the location of all associated facilities, services, roads, landscaping and any other associated elements. The development shall be carried out in accordance with the provisions of the approved Phasing Plan.

30. No Phase or component part of the development shall commence until full details of all proposed electrical, telecommunications, gas and other services for that Phase or component part of the development have been submitted to and approved in writing by the Local Planning Authority. No development of the Phase or component part of the development shall commence until the detail under this Condition has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the detail approved by the Local Planning Authority under this Condition.

70. The change of use hereby permitted shall commence before the expiration of five years from the date of this planning permission.

71. The change of use hereby permitted shall only commence following the implementation of the first RMA approval in respect of the Penrhos Phase of the development. The change of use hereby permitted shall thereafter only be used on an ancillary basis to the holiday leisure village together with other ancillary uses approved under the provision of [the Permission].

2.2 It is also important to note that in the Permission, the term "**Phase**" is defined as meaning one of nine identified phases, of which one is "**the Penrhos Phase**", defined as:

*"...a leisure village comprising up to 500 new leisure units and associated development as described in the planning application hereby approved on land delineated with green hatching on the plan enclosed as Appendix 1 to this decision notice."*

2.3 No definition is provided of the term "**component part of the development**" nor of the term "**component part(s) of the Phase**" with both formulations being used interchangeably.

2.4 It is also relevant that the first RMA under the Permission was approved on 7 August 2020 under reference RM/2018/6 (the "**First RMA**"), described as:

*Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publicly accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead.*

2.5 A Conditions Discharge Application ("**CDA**") was also approved on 1 April 2021 under reference DIS-2020-92 (the "**DisC**"), pursuant to which the Council approved a Phasing Plan under Condition 5, comprising:

- (a) a plan (drawing no PL1114.1-PLA-00-XX-DR-L-0006 Phasing Plan) which divided the Penrhos Phase as defined by the Permission into four, and

- (b) a table entitled “**Appendix A2 part A (rev A) Penrhos Leisure Village - Proposed Delivery Programme - December 2020**” by which it was indicated, by reference to quarters of the years 2021-2026, when the various phases identified in the Phasing Plan would come forward for RMA approval, commencement of development, and occupation. In respect of a phase entitled “**Penrhos Coastal Park**”, reference was made to “**Reserved Matters Development / Submission / Approval**” having been “approved 7 August 2020”, being a reference to the First RMA.

- 2.6 Under the CDA, the Council also discharged Conditions 7, 14, 17, 18, 25, 32, 33, 34, 35, 38, 40, 44, 45, 48, 50, 51, 52, 54, 55, 56, 66 and 68. The DisC notice recorded the application for discharge of those conditions, as well as Condition 5 as being “*insofar as they relate to reserved matters application RM/2018/6*” (i.e. the First RMA).
- 2.7 On 16 June 2021, the Council approved a further CDA under the reference DIS-2021-33 (the “**Further DisC**”). This comprised a scheme for access, parking, turning, loading and unloading pursuant to Condition 73.
- 2.8 No application has been made to date for the discharge of Condition 30.

### **3 Works in commencement of development**

- 3.1 In April 2021 LL submitted a report to the Council stating that works have commenced at Penrhos Coastal Park prior to 19 April 2021, within 5 years of the grant of Permission as required under Condition 4 (although the correct date is later under Condition 4, namely 2 years from approval of the First RMA).
- 3.2 The report referred to works to install a section of pathway at the Penrhos Coastal Park, some 15 m in length comprising, in part, a compacted stone path with timber edging, with some 5 m comprising a raised wooden walkway. The photographs in the LL report relate to a period between 24 March and 2 April 2021.
- 3.3 The First RMA encompassed detailed proposals for managed walkways and approved the Design and Management Guide (dated 16 February 2020) (the “**DMG**”) which set out details of them (as envisaged also under Condition 61). Although the description in the First RMA refers explicitly to raised boardwalk footways and works to trees, that is expressed to be “*including*” such details, rather than excluding other walkways from the ambit of the approval, to which the approved plans relate (see, e.g para. 2.4 of the DMG). The pathway that has been constructed appears to be referable to the new permissive tertiary route shown on p. 12 of the DMG.
- 3.4 The DisC was on 1 April 2021. Whether the pathway works carried out prior to this date can lawfully implement the development, we return to below.

### **4 Change of use of the Bailiff’s Tower**

- 4.1 Section C of the Permission sets out four conditions in respect of the full permission for the change of use for the Bailiff’s Tower and other outbuildings at Penrhos Home Farm: from a cricket clubhouse to a visitors’ information centre, restaurant, café, bars and retail. It falls within the physical area of the Penrhos Phase. The conditions in section A (for the outline elements) of the Permission do not apply to section C (which granted full planning permission).
- 4.2 LL provided to the Council a separate report in April 2021 dealing with the change of use of the Bailiff’s Tower. That report states that the 4 conditions contained in section C have been complied with:
- (a) Condition 70 in so far as the change of use occurred prior to 19 April 2021;
- (b) Condition 71 in so far as the First RMA have been implemented;

- (c) Condition 72 in so far as the change of use accords with the approved uses; and
- (d) Condition 73 “through submission of a scheme for access, parking, turning, loading and unloading as part of the application to discharge Change of Use conditions”.

It is noted that “As this scheme applies to six existing buildings which are already served by adequate access roadway, adjoining parking, turning and loading/unloading areas, approval of this scheme requires no subsequent works.”

- 4.3 The report states that the building was already suitable for use as a visitor information centre, requiring only internal decoration and refurnishing. The works carried out comprised cleaning, painting, filling, decoration, installation of a carpet, signage, table and chairs - of which photographs are provided. However the then Covid restrictions did not allow the public to visit, so the centre could not be accessed by the public, and it is understood that this situation prevailed until and beyond the date for implementation of the permission. The Council does not have information on whether it was occupied for the authorised use after that point.

## 5 Legal principles on compliance with conditions

- 5.1 Development in breach of condition is unlawful (section 171A TCPA), and it follows that, if there is a condition that must be fulfilled before any material operation capable of implementing a planning permission is undertaken, and development commences without the fulfilment of that condition, the development has been undertaken unlawfully and the planning permission has not been implemented (*Whitley & Sons Ltd v Secretary of State for Wales* [1992] 64 P&CR 296).
- 5.2 As explained in *Meisels v Secretary of State for Housing Communities and Local Government* [2019] EHC 1987 (Admin) at [17] however, the statutory scheme clearly differentiates, in section 171A TCPA, between (a) carrying out development without planning permission; and (b) breach of condition (“it follows that not every breach of condition can have the effect that development has been carried out without planning permission”).
- 5.3 A breach of condition will only have that effect if it is one which:
- (a) Properly construed (applying the principles in *Trump International Golf Club Scotland Limited v Scottish Ministers* (Scotland) [2015] UKSC 74 (esp. [33]-[34] and [66]) and *Lambeth v Secretary of State for Housing Communities and Local Government* [2019] UKSC 33 (esp. [15]-[19])) is intended to prevent the commencement of work (or make it unlawful) prior to the fulfilment of its requirements (i.e. a “**Condition Precedent**”).

In this regard, the Court of Appeal in *Greyfort Properties Ltd v Secretary of State for Communities and Local Government* [2011] EWCA Civ 908 at [30]-[33] emphasised that both wording to require a step to be undertaken before the commencement of development (“*Prior to development being carried out...*”) and wording that expressly prohibited works being carried out until such a step had been taken (“*No development shall be carried out...*”) are, in principle, apt to impose an express prohibition on the commencement of development before submission and approval of reserved matters.

- (b) “**Goes to the heart of the planning permission**” (*R (on the application of Hart Aggregates Ltd) v Hartlepool BC* [2005] EWHC 840 (Admin) at [61]; cf [67]).

The High Court provided further guidance as to what a condition which goes to the heart of a planning permission is in *Meisels* at [18]-[19]: it is one which “*is a condition going beyond the detail of a matter that is agreed in principle; it is, instead, something without which the authority would not be content to permit the development at all*”. Moreover, whether or not a specific

condition is such a condition can only be answered “by a fact-sensitive enquiry into the terms of the condition in the context of the permission, and the permission in its planning context”.

This consideration can be seen to arise from Sullivan J’s concern in *Hart* at [67] to differentiate between situations at two ends of a scale, in which on the one hand it is claimed that implementation of a fully outline permission has been achieved without any of the reserved matters being approved; and on the other, the situation where there is a full planning permission and the failure is limited to a failure to obtain approval for one particular aspect of the development.

- 5.4 The Whitley principle is subject to a number of exceptions, the common basis for which was considered in *R (Hammerton) v London Underground* [2002] EWHC 2307 (Admin) per Ouseley J at [127] (approved by the Court of Appeal in *R (Prokopp) v London Underground Ltd* [2004] Env. L.R. 8 at [85]) to be:

*“where it would be unlawful, in accordance with public law principles, notably irrationality or abuse of power, for a local planning authority to take enforcement action to prevent development proceeding, the development albeit in breach of planning control is nevertheless effective to commence development.” and at [131] that “it would be insufficient to show that the authorities were indifferent to the breach, or unlikely to take enforcement action or indeed that they had decided not to (although no concluded view is required). It is necessary to conclude that they could not do so.”*

## 6 Condition 30

- 6.1 *“The starting point...is to consider what is meant by the words of the condition”*: *Meisels* at [14] and [17]; and *Hammerton* at [58] to [63]. When addressing this first issue, the condition must be read according to its natural and ordinary meaning and in the context of the Permission as a whole: *“the planning permission and its conditions must be construed as a whole and as a “reasonable reader” would”*. *Menston Action Group v City of Bradford* [2016] EWCA Civ 796 at [11]; see also *Trump* (above).
- 6.2 The Permission in its outline elements creates an architecture for the sequential submission of applications for approval of reserved matters and the discharge of conditions. Condition 2 is the key condition in respect of the outline part of the Permission. Condition 2 draws a distinction between, on the one hand RMAs in respect of a Phase (as defined in the Permission) and RMAs in respect of a *“component part of the development”*. There is nothing in that condition, or in Condition 30 which also draws this same distinction, that requires RMAs only to be sought on a ‘Phase-by-Phase’ basis.
- 6.3 The phrase *“component part of the development”* is not defined in the Permission, but the natural and ordinary meaning of these words is any identifiable, discrete part of the development which is not an entire Phase as identified in the Permission. The Permission therefore expressly envisages that an RMA can be approved as opposed to obtaining RMA approval for an entire phase.
- 6.4 The application underpinning the First RMA was an application for reserved matters for a component part of the development.
- 6.5 Condition 30 itself contains an express restriction on development unless its requirements are satisfied: *“No Phase or component part of the development shall commence...”* which is the language of a Condition Precedent. However, given the context of the overall architecture of the conditions, which draws a distinction between a Phase and a component part of the development, the correct interpretation of this condition is that where RMAs is sought for a component part of the development which envisages or requires electrical, telecommunications, gas and other services, the condition only requires that, before the commencement of that component, details of the services proposed *“for that component part”* be submitted and approved.

- 6.6 If there is a component part of the development for which there are no “*proposed electrical, telecommunications, gas and other services*”, then Condition 30 cannot bite on it to require submission of details, because there are no details to submit. Where there are no details to submit they cannot be approved, and the development cannot be carried out strictly in accordance with those details. On that basis, nothing in Condition 30 would render unlawful works to commence a component part of the development for which there are no proposed services.
- 6.7 As such, there is no breach of Condition 30 because the Permission can be implemented by works which do not fall within its scope – ie works comprising a component part of the development which has been approved and which do not propose any services.
- 6.8 Whilst it isn’t necessary to go beyond that finding of compliance, if the question is posed whether Condition 30 is a Condition Precedent in the sense that it “*goes to the heart of the permission*” having regard to the reason for the condition and the planning implications of non-compliance (*Meisels* [19]) as nothing in the works approved under the First RMA would permit any operational development requiring services, non-compliance in any event would not go to the heart of the Permission.

## 7 The pathway works

- 7.1 The question has been raised whether the pathway works fall within section 56(4)(d) TCPA 1990 as being “*any operation in the course of laying out or constructing a road or part of a road*”. The works can be so described.
- 7.2 “**Road**” is not defined in the legislation. The most recent Oxford English Dictionary (“**OED**”) (1989, 2<sup>nd</sup> edition) refers not only to “*an ordinary line of communication used by persons passing between different places, usually one wide enough to admit of the passage of vehicles as well as of horses or travellers on foot*” but also “*any way, path or (material) course.*” The Shorter OED in earlier editions includes definitions which do not relate only to where vehicles are used, eg “*an ordinary line of communication between defined places used by horses, travellers on foot or vehicles*” and, separately, “*any path or way.*” Despite the references to vehicles there is no reason why it cannot be given a broader meaning in circumstances where there is a specially prepared surface. The dimensions and length of the pathway are substantial, particularly having regard to cases where merely ‘*pegging out*’ has been regarded as sufficient.
- 7.3 Beyond that conclusion, other operational development that falls outside section 56(4) can be sufficient to implement a planning permission: *Field v First Secretary of State* [2004] EWHC 147 Admin at [43] and [49]; endorsed in *Republic of France v RBKC* [2017] EWCA Civ 429. The constructed pathway works as a whole comprise operational development which are referable to the First RMA and can properly be regarded by themselves as sufficient works to implement the development.

## 8 The change of use

- 8.1 In respect of compliance with Condition 71, commencement of the change of use is subject to prior implementation of the First RMA. Whilst lawfulness of the change of use is therefore dependent on whether the First RMA has been lawfully commenced, we have already concluded that that has happened.
- 8.2 Three other conditions are relevant. The second part of Condition 71 requires that the change of use shall thereafter only be used on an ancillary basis to the holiday leisure village “*together with other ancillary uses approved under the outline permission*”. Those ancillary purposes include the country park, meaning that use of the visitors’ information centre has not been other than ancillary to the country park.
- 8.3 There is no suggestion that Condition 72 has not been complied with and Condition 73 has been discharged pursuant to the Further DisC.

- 8.4 Section 56(4)(a) defines “**material operation**” for the purposes of section 56(2) as “*any change in the use of the land which constitutes material development*”. The new use did not require permanent occupation and none of the internal works that were carried out required planning permission. External signage that might be regarded as involving development would have deemed advertisement control consent and so a deemed grant of permission under section 222 of the TCPA.
- 8.5 Whilst actual change in use is the obvious factor to look for it is difficult to see what more could have been undertaken, in respect of the building in question, given the Covid restrictions in place at the time. The line of authority (culminating in *Kestrel Hydro v SSCLG* [2016] EWCA Civ 784) that when enforcing against unlawful change of use, the enforcement notice can properly require removal of associated works (in the context of the powers under section 173(3) and (4) to remedy the breach and restore the land to its prior condition) suggests the associated steps with the purported change of use, in particular signage, should be regarded as sufficient to demonstrate material development in circumstances where physical occupation is precluded.
- 8.6 It is also relevant to note that, to the extent there is any question over implementation of the Permission relating to the Bailiff’s Tower, full planning permission (section C) is likely to be regarded in practice as severable from the other permissions and therefore even if it had lapsed, that would not affect the validity of the other permissions.

## 9 Conclusions

Returning to the questions posed in paragraph 1.1 of this letter, they have been answered above as follows

- (a) As to the works to the path (paragraphs 7.2 and 7.3 above) by reference to standard definitions what has been laid out comprises a road whether or not they are to be used for vehicles and are in excess of the minimum works required for such purposes. The constructed pathway works as a whole comprise operational development referable to the first RMA sufficient to implement the development.
- (b) As to Condition 30 (paragraphs 6.2, 6.3, 6.6 and 6.7 above) there is nothing in any condition that requires reserved matters approvals only to be sought on a ‘**Phase-by-Phase**’ basis and the Permission expressly envisages that a reserved matters approval can be approved as opposed to obtaining reserved matters approval for an entire phase. Where reserved matters approval is sought for part of the development requiring electrical, telecommunications, gas and other services, the condition only requires that details of the services proposed for that part are approved but, as is the case with the First RMA whilst there are no details of services to be approved and the Permission can be implemented by those works.
- (c) As to change of use (paragraphs 8.4 and 8.5) the new use did not require permanent occupation and none of the internal works or signage required planning permission but further instances of use being precluded by the Covid restrictions in place at the time the associated steps with the purported change of use, in particular signage, should be regarded as sufficient to demonstrate material development in circumstances where physical occupation is precluded.

Yours faithfully

*Burges Salmon*

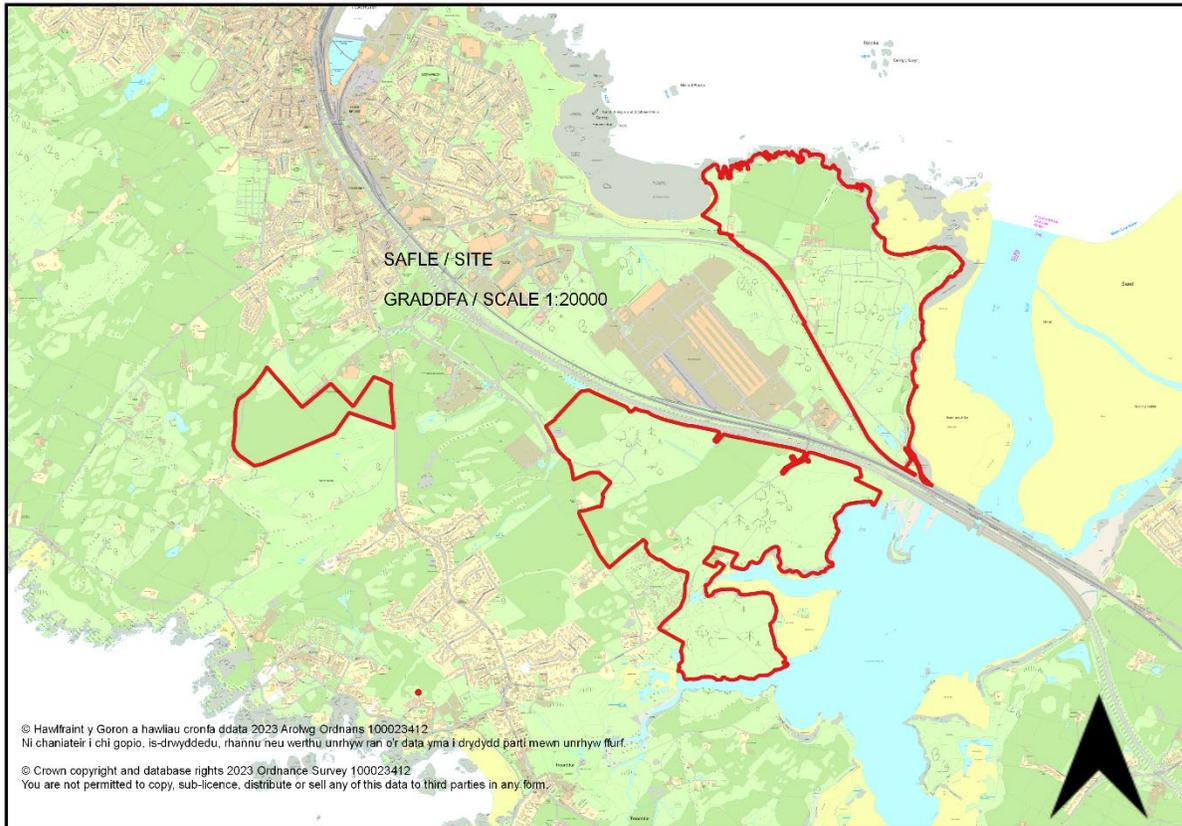
BURGES SALMON LLP

**Application Reference: 46C427L/COMP**

**Applicant:** Land and Lakes (Anglesey) Limited

**Description:** Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON at

**Site Address:** Land and Lakes, Penrhos Coastal Park, Holyhead



**Report of Head of Regulation and Economic Development Service (Rhys Jones)**

**Recommendation:** Condition Discharged

**Reason for Reporting to Committee**

The application relates to the discharge of obligations of a Section 106 Agreement attached to the consent of an application which was accompanied by an Environmental Impact Assessment. It is therefore referred to the Planning and Orders Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution.

## Proposal and Site

This application seeks to discharge the requirements of Sections 7 and 13.1 of Schedule 8 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON in relation to the submission of a Community Liaison Group Scheme (CLGS) and a Penrhos Public Access Land Scheme (PPALS).

The application relates to land at Penrhos, Cae Glas and Kingsland, Holyhead.

## Key Issues

The key issue is whether the information submitted is sufficient to discharge the requirements of the obligations relating to the Community Liaison Group Scheme (CLGS) and the Penrhos Public Access Land Scheme (PPALS).

## Policies

### Joint Local Development Plan

Strategic Policy PS 2: Infrastructure and Developer Contributions  
Strategic Policy PS 14: The Visitor Economy  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets  
Strategic Policy PS 1: Welsh Language and Culture  
Policy ISA 1: Infrastructure Provision  
Policy ISA 4: Safeguarding Existing Open Space  
Policy ISA 5: Provision of Open Spaces in New Housing Developments  
Policy ISA 2: Community Facilities  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy TWR 2: Holiday Accommodation  
Policy TWR 1: Visitor Attractions and Facilities  
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
Policy AMG 5: Local Biodiversity Conservation

Planning Policy Wales (Edition 11, February 2021)

## Response to Consultation and Publicity

Consultee	Response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No comments.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response at the time of writing the report.
Iechyd yr Amgylchedd / Environmental Health	No response at the time of writing the report.
Cynghorydd Glyn Haynes	No response at the time of writing the report.

Cynghorydd Robert Llewelyn Jones	No response at the time of writing the report.
Cyngor Tref Caergybi / Holyhead Town Council	No response at the time of writing the report.
Cynghorydd Trefor Lloyd Hughes	No response at the time of writing the report.
Cynghorydd John Arwel Roberts	No response at the time of writing the report.
Cynghorydd Dafydd Rhys Thomas	No response at the time of writing the report.
Cyngor Cymuned Trearddur Community Council	No response at the time of writing the report.
Cyfoeth Naturiol Cymru	NRW have reviewed the submitted documentation and confirmed that it is not necessary for them to be part of any meeting groups but are happy to provide input/advice to the Authority as needed in terms of the implications of any discussions for Anglesey AONB or any protected site.
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No comments relating to ecology.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 02/09/2020.

At the time of writing this report, one representation had been received. The main points raised are summarised below:

- concern regarding the environmental impact of the development
- concern regarding impact on ecology and that the ecology reports not up to date
- concern regarding impact on wildlife i.e. red squirrels, bats, amphibians, birds etc.
- If approved, it is hoped that the Council will ensure that local residents continue to have free access to many parts of the park

### Relevant Planning History

46C427K/TR/EIA/ECON - A hybrid planning application proposing: Outline with all matters reserved except for means of access, for: A leisure village at Penrhos Coastal Park, London Road, Holyhead comprising: up to 500 new leisure units including new lodges and cottages; Central new hub building comprising reception with leisure facilities including indoor sub-tropical water park, indoor sports hall, and cafes, bars, restaurants and retail; Central new Farmer's Market building; Central new spa and leisure building; A new café and watersports centre at the site of the former Boathouse; Demolition of the Bathing House and the construction of a restaurant at its former location; Demolition of other existing buildings including three agricultural barns and three residential dwellings; Providing and maintaining 29 hectares of publicly accessible areas with public car parking and enhancements to the Coastal Path, including: Managed walkways within 15 hectares of woodland, the retention and enhancement of Grace's pond, Lily Pond, Scout's pond with viewing platforms, the Pet Cemetery, War Memorial, the Pump House and picnic area with bird feeding stations and hides with educational and bilingual interpretation signage created throughout; Creation of a new woodland sculpture trail and boardwalks and enhanced connection to the Coastal Path; The beach will continue to be accessible to the public providing safe access to the shallow shelving water; A Combined Heat and Power Centre Land at Cae Glas: The erection of leisure village accommodation and facilities which have been designed to be used initially as a temporary construction workers accommodation complex for Wylfa B at land at Cae Glas, Parc Cybi, Holyhead comprising: Up to

315 lodges which will be initially sub divided for nuclear workers accommodation; Central hub building providing reception and canteen ancillary to accommodation; A Park and Ride facility comprising up to 700 car parking spaces; A new hotel; A lakeside hub comprising restaurant, café, retail and bar; New grass football pitch and cricket pitch; and a Combined Heat and Power Centre. To be subsequently converted (post Wylfa B construction) into an extension to the Penrhos Coastal Park Leisure Village comprising: Refurbished lodges and facility buildings to create high quality holiday accommodation (up to 315 family lodges); A Visitor Centre and Nature Reserve allowing controlled public access; and Heritage Centre with visitor parking. Land at Kingsland: The erection of a residential development which has been designed to be used initially as temporary construction workers accommodation at land at Kingsland, Kingsland Road, Holyhead comprising: Up to 320 new houses to be initially used as temporary construction workers accommodation. To be subsequently converted (post Wylfa B construction) into a residential development comprising: Up to 320 residential dwellings set in high quality landscaping and open spaces. Each phase of development will have ancillary development comprising car parking, servicing areas, open spaces and plant. Full detail for the change of use of the existing Estate buildings at Penrhos Coastal Park, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from a cricket clubhouse to a visitors information centre, restaurant, café, bars and retail; Home Farm Barn and Cart Buildings from farm buildings to cycle and sports hire centre; The Tower from residential to a Managers accommodation and ancillary office; and Beddmanarch House from residential to a visitors centre. – Permitted 19/4/16

RM/2018/6 - Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publically accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at - Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead – Permit 10/8/20

DIS/2020/92 - Application to discharge conditions (05)(Phasing Plan), (07) (EIA), (14)(Natural stone details), (17)(Full details of all external materials and finishes), (18)(Full details of external materials and colours, construction specifications of any engineered gradients, batters, bunds, all retaining walls and structures, bridges and any associated engineering works), (25)(Full details of all the Existing Traditional Agricultural Landscape and other Features ('ETAL')), (32)(Preliminary Construction Environmental Management Plan('PCEMP')), (33)(Preliminary Construction Traffic Environmental Management Plan ('PCTEMP')), (34)(Soil Management Plan ('SMP')), (35)(Waste Management Plan ('WMP')), (38)(Written Scheme of Investigation of any archaeological remains), (40)(Sustainable Drainage Systems ('SDS Scheme')), (44)(Culvert and Pipe Management Plan), (45)(Ponds and Water Bodies Strategy), (48)(Phased Ecological Plan), (49)(Protected species licenses), (50)(Ecological Monitoring Strategy ('EMS')), (51)(Method statement for protected species), (52)(Details of all measures designed to prevent the incidental capture/killing of amphibians and reptiles), (54)(Great Crested Newt compensation scheme), (55)(Scheme for the retention, enhancement and translocation of existing ground flora), (56)(Scheme for eradication of invasive plant species), (66)(Coastal Path and other public rights of way and cycle routes scheme) and (68)(Details of surface water disposal from the private access and other roads and parking areas) of planning permission 46C427K/TR/EIA/ECON in so far as they relate to reserved matters application RM/2018/6 (Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order) only on part of the publicly accessible area - Conditions Partially Discharged – 1/4/21

DIS/2021/33 - Cais i ryddhau amod (73)(Parcio cerbydau, troi a chynllun dadlwytho / llwytho) o ganiatâd cynllunio 46C427K/TR/EIA/ECON yn / Application to discharge condition (73) (Vehicle Parking, Turning and unloading/loading scheme) of planning permission 46C427K/TR/EIA/ECON – Condition Partially Discharged – 16/6/21

46C427M/COMP - Submission of Public Rights of Way to comply with the Terms of Agreement as set out in Schedule 6 of the Section 106 Agreement attached to planning permission ref. 46C427K/TR/EIA/ECON – Permitted 8/2/17

46C427L/COMP – Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON - No decision

COMP/2021/1 – Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON - No decision

S106/2020/3 – Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016. - No decision

## **Main Planning Considerations**

Planning permission was granted on the 19th April 2016 under application reference number 46C427K/TR/EIA/ECON for a hybrid development comprising of 3 separate, but interrelated sites of Penrhos, Cae Glas and Kingsland (see Section 5 above for full application description).

The approval was subject to a Section 106 Legal Agreement dated 19th April 2016 and this application seeks to discharge the requirements of Sections 7 and 13.1 of Schedule 8 of the Section 106 Agreement in relation to the submission of a Community Liaison Group Scheme (CLGS) and a Penrhos Public Access Land Scheme (PPALS).

Section 7.1 of the Section 106 Agreement states:

*7.1 The Owner shall submit the Community Liaison Group Scheme to the Council for its written approval within 6 months of the date of the transfer of the Owner's interests in the Land from the Owner to the Developer or to any other third party intending to develop the Land pursuant to the Planning Permission or prior to Commencement of Development (whichever is the earlier), or such longer period as the Council may agree (acting reasonably).*

A Community Liaison Group Scheme (CLGS) dated 16th June 2020 has been submitted. The Scheme details are set out in Section 4 (Constitution) of the document. Section 4.1 assigns the group name as: Penrhos Community Liaison Group (PCLG), Section 4.2 sets out the purpose of the group, Section 4.3 relates to the group Committee, Section 4.5 relates to the group Membership and Section 4.6 relates to the groups' Remit.

Section 13.1 of the Section 106 Agreement states:

*13.1 Within 6 months of the date of the transfer of the Owner's interests in the Land from the Owner to the Developer or to any other third party intending to develop the Land pursuant to the Planning Permission or prior to Commencement of Development (whichever is the earlier), or such longer period as the Council may agree, the Owner shall submit to the Council for its written approval the Penrhos Public Access Land Scheme detailing how the Owner will secure the enhanced management of the Penrhos Public Access Land, Maintain the Penrhos Public Access Land and permit public access to the Penrhos Public Access Land.*

A Penrhos Public Access Land Scheme (PPALS) dated 16th June 2020 has been submitted. The Scheme details are set out in Section 3 of the documents. Section 3.1 relates to the management of the Penrhos Public Access Land, Section 3.2 relates to the maintenance of the Penrhos Public Access Land, Section 3.3 relates to public access to the Penrhos Public Access Land, Section 3.4 relates to review of commitment to the S106 and Section 3.5 relates to the responsibilities of the landowner.

The application has been subject to consultation and publicity. Where relevant, minor revisions have been made to take account of consultee comments, however, no objections or concerns have otherwise been raised by consultees in relation to the form and content of the documents.

One representation has been received in response to the publicity undertaken. The comments are largely irrelevant to the matters under consideration as part of this particular application, however whilst the writer did comment that it was hoped that the Council would ensure that local residents continue to have free access to a reasonably large area of the park they made no specific comments or objections to the submitted PPALS.

The information submitted is therefore sufficient to discharge the requirements of Sections 7 and 13.1 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON relating to land at Penrhos, Cae Glas and Kingsland, Holyhead.

### **Conclusion**

The information submitted is sufficient to discharge the requirements of Sections 7 and 13.1 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON relating to land at Penrhos, Cae Glas and Kingsland, Holyhead.

### **Recommendation**

Condition Discharged

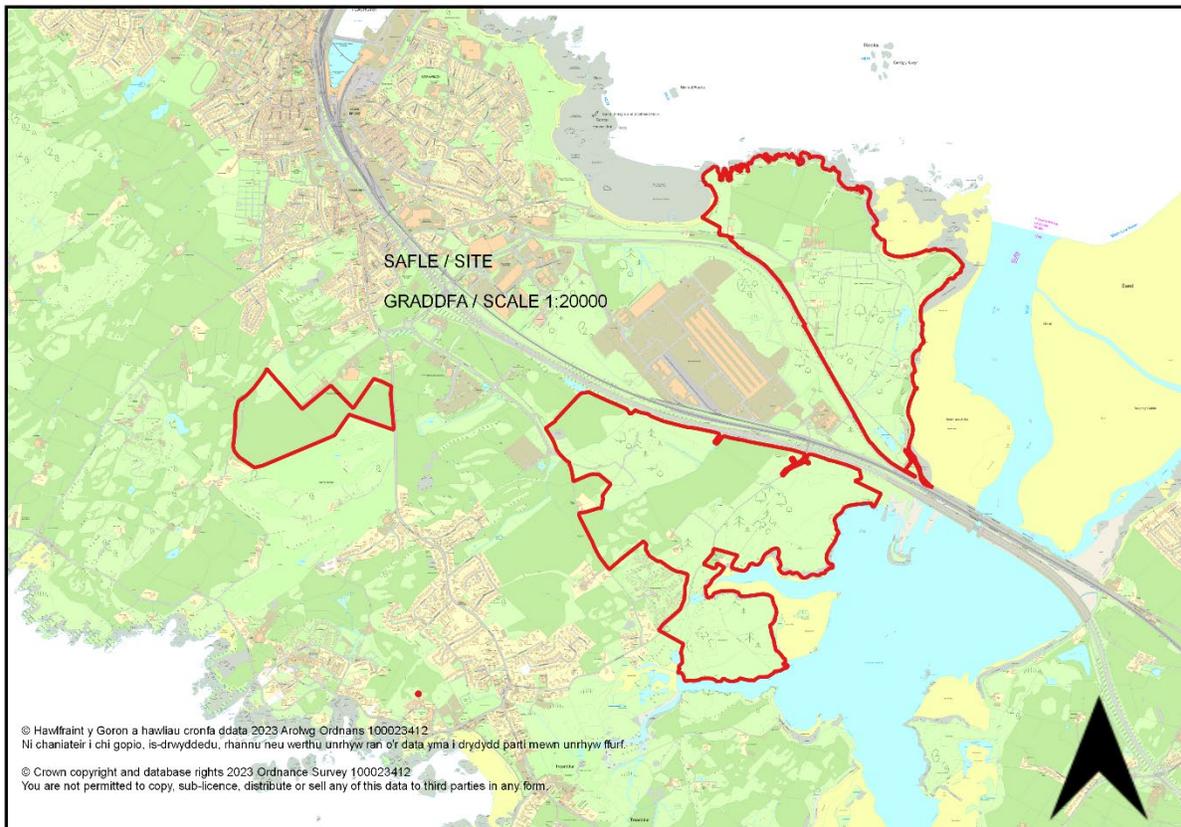
The details submitted under application 46C427L/COMP are considered acceptable and meet the requirements of Section 7 (Community Liaison Group Scheme) and Section 13.1 (Penrhos Public Access Land Scheme) of Schedule 8 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON and are therefore hereby discharged.

**Application Reference: S106/2020/3**

**Applicant:** Land and Lakes (Anglesey) Limited

**Description:** Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016.

**Site Address:** Land and Lakes, Penrhos Coastal Park, Holyhead



**Report of Head of Regulation and Economic Development Service (Rhys Jones)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

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

## Proposal and Site

This is a planning application to discharge relevant sections of the Section 106 agreement in relation to planning application 46C427K/TR/EIA/ECON for the Penrhos Coastal Park only.

## Key Issues

The key issue is whether the information submitted is sufficient to discharge relevant sections as mentioned in the description.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries  
Supplementary Planning Guidance - Planning and the Welsh Language (2007)  
Strategic Policy PS 1: Welsh Language and Culture  
Supplementary Planning Guidance - Planning Obligations (Section 106 Agreements) (2008)

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Glyn Haynes	No observations received.
Cynghorydd Robert Llewelyn Jones	No observations received.
Cynghorydd Trefor Lloyd Hughes	No observations received.
Cynghorydd John Arwel Roberts	No observations received.
Cynghorydd Dafydd Rhys Thomas	No observations received.
Cyngor Tref Caergybi / Holyhead Town Council	No observations received.
Cyngor Cymuned Trearddur Community Council	No response received.
Polisi Cynllunio / Planning Policy	In an email of the 04/03/2021 it is confirmed that the JPPU have no further observations of the Welsh Language Scheme.
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	<p>In an email of the 13/01/2021 observations are made on the Welsh Language Scheme.</p> <p>In an email of the 16/02/2021 additional comments on the Welsh language scheme.</p> <p>In an email of the 04/03 2021 it is confirmed that there are no further observations on the Welsh Language Scheme.</p>

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 19/08/2021. At the time of writing this report 1 formal objection letter had been received. The main reasons for objection as follows:-

- Impact on SSSI, AONB and Special Protection Area (SPA)
- Loss of visitor attraction
- Need for open green space in Holyhead

- Minimal impact on economy

In response to the objection letter made, this planning application is to discharge the relevant sections of the S106 agreement. The planning application has already been approved and consideration will be given to whether the information submitted with this planning application is sufficient to discharge the relevant section of the S106 agreement for the Penrhos Coastal Park site only.

### **Relevant Planning History**

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Management Plan('PCEMP')), (33)(Preliminary Construction Traffic Environmental Management Plan ('PCTEMP')), (34)(Soil Management Plan ('SMP')), (35)(Waste Management Plan ('WMP')), (38)(Written Scheme of Investigation of any archaeological remains), (40)(Sustainable Drainage Systems ('SDS Scheme')), (44)(Culvert and Pipe Management Plan), (45)(Ponds and Water Bodies Strategy), (48)(Phased Ecological Plan), (49)(Protected species licenses), (50)(Ecological Monitoring Strategy ('EMS')), (51)(Method statement for protected species), (52)(Details of all measures designed to prevent the incidental capture/killing of amphibians and reptiles), (54)(Great Crested Newt compensation scheme), (55)(Scheme for the retention, enhancement and translocation of existing ground flora), (56)(Scheme for eradication of invasive plant species), (66)(Coastal Path and other public rights of way and cycle routes scheme) and (68)(Details of surface water disposal from the private access and other roads and parking areas) of planning permission 46C427K/TR/EIA/ECON in so far as they relate to reserved matters application RM/2018/6 (Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order) only on part of the publicly accessible area - Conditions Partially Discharged – 1/4/21

DIS/2021/33 - Application to discharge condition (73) (Vehicle Parking, Turning and unloading/loading scheme) of planning permission 46C427K/TR/EIA/ECON – Condition Partially Discharged – 16/6/21

46C427M/COMP - Submission of Public Rights of Way to comply with the Terms of Agreement as set out in Schedule 6 of the Section 106 Agreement attached to planning permission ref. 46C427K/TR/EIA/ECON – Permitted 8/2/17

46C427L/COMP – Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON

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S106/2020/3 – Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016.

## **Main Planning Considerations**

The main elements of the application subject to this report are as below:

- Amend paragraph 2.1.1 of part 8 of the legal agreement so that a Nature Reserve required in phase 1 of Cae Glas is provided prior to the commencement of the holiday development at Penrhos as opposed to any development in Penrhos (ie Penrhos Phase 1 instead Penrhos Phase as defined in the legal agreement).
- Row 15 of Appendix 2 (Bond Table) "Penrhos Visitor Center" Amend agreement so that the "bond" is required prior to commencement of the holiday development at Penrhos as opposed to any development in Penrhos (ie Penrhos Phase 1 instead of the Penrhos Phase as defined in the legal agreement).
- Paragraph 1.1 Schedule 12 Amendment to the requirement to submit the Welsh Language Scheme from 12 months to 3 months before the start of any "Phase" or "Sub Phase".
- Paragraph 1.2 of Schedule 12 currently requires that no construction shall commence in relation to any phase until a Welsh Language Scheme for that Phase has been approved in writing by the council. The change being applied for permits the applicants to submit a Welsh Language Scheme for a Sub Phase in accordance with the definition in the legal agreement. Pursuant of the change being applied for a Welsh Language Scheme is submitted for the Penrhos Coastal Park which is sub phase under the terms of the legal agreement.
- Correct a plan in the original legal agreement by the superseding Section 106 Plan 2- Penrhos Land Drawing revision 03 for revision 04 dated 19th April 2016.

The amendments to the legal agreement listed above are all considered acceptable, in reaching this conclusion regard has been had of Circular 13/97.

Relevant consultees are satisfied with the final version of the Welsh Language Scheme which was amended having regard to comments provided by the council. Having regard to the comments and all material planning policy considerations the Welsh Language Scheme in so far as it relates to Penrhos Coastal Park is considered to be acceptable

An objection has been received but the comments made relate to the merits of developing area and is not at issue or material in the determination of the current application.

## **Conclusion**

Having considered all material considerations which are summarised above approval is recommended.

In accord with the duty under regulation 3 of the EIA (Wales) Regulations 2016 the Local Planning has considered the information provided with this application and having taken into account that the scope of the development assessed for EIA purposes under planning permission 46C427K/TR/EIA/ECON it is considered that the baseline and the likely significant effects are the same such that approval is granted.

## **Recommendation**

- a) That council completes the Deed of Variation so as to amend the legal agreement completed on 19 April 2016 as part of planning permission 46C427K/TR/EIA/ECON.
- b) Upon completion of the Deed of Variation that the Welsh Language Scheme (February 2021) is approved by the council in so far as it relates to the "Penrhos Public Access Land" as defined in the legal agreement completed on 19 April 2016.

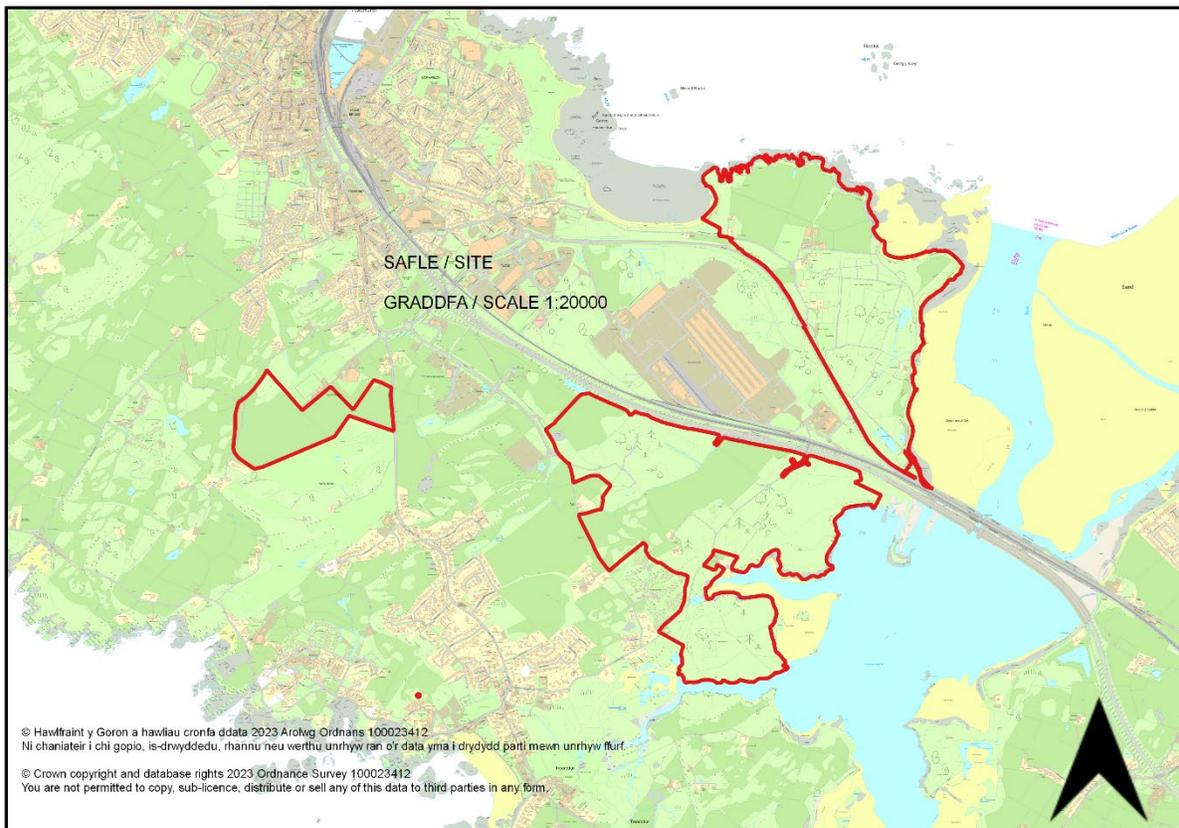
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference: COMP/2021/1**

**Applicant:** Land and Lakes (Anglesey) Limited

**Description:** Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON at

**Site Address:** Land and Lakes, Penrhos Coastal Park, Holyhead



**Report of Head of Regulation and Economic Development Service (Rhys Jones)**

**Recommendation:** Condition Discharged

**Reason for Reporting to Committee**

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

**Proposal and Site**

This is a planning application to discharge relevant sections of the Section 106 agreement in relation to planning application 46C427K/TR/EIA/ECON for the Penrhos Coastal Park only

**Key Issues**

The key issue is whether the information submitted is sufficient to discharge relevant sections as mentioned in the description.

**Policies**

**Joint Local Development Plan**

- PS4 – Sustainable transport, development and accessibility
- TRA2 – Parking Standards
- TRA4 – Managing Transport Impacts
- PS5 – Sustainable Development
- PCYFF2 – Development Criteria
- PCYFF3 – Design and Place Shaping
- PCYFF4 – Design and Landscaping
- PS19 – Conserving and where appropriate enhancing the natural environment
- AMG1 – Area of Outstanding Natural Beauty
- AMG3 – Protecting and enhancing features and qualities that are distinctive to the local landscape character
- AMG4 – Coastal Protection
- AMG5 – Local Biodiversity Conservation
- PS20 – Preserving and where appropriate enhancing heritage assets

**Response to Consultation and Publicity**

<b>Consultee</b>	<b>Response</b>
Cynghorydd John Arwel Roberts	No response
Cyngor Tref Caerdybi / Holyhead Town Council	No response
Cynghorydd Dafydd Rhys Thomas	No response
Cyngor Cymuned Trearddur Community Council	No response
Cynghorydd Glyn Haynes	No response
Polisi Cynllunio / Planning Policy	No response
Cynghorydd Robert Llewelyn Jones	Requested that the planning application is called into the planning committee for consideration.
Cynghorydd Trefor Lloyd Hughes	No response
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No response

Priffyrdd a Trafnidiaeth / Highways and Transportation	No response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No response
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response
Ymgynghorydd Tirwedd / Landscape Advisor	No objection
Ymgynghorydd Treftadaeth / Heritage Advisor	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection
Mwynau a Gwastraff / Minerals & Waste	No response
Dwr Cymru Welsh Water	No comments
Uned Datblygu Economaidd / Economic Development Unit	No response
GCAG / GAPS	No comments
Cadw Scheduled Monuments	No response
Ymgynghoriadau Cynllunio YGC	No comments
Adain Eiddo / Property Section	No comments
Iechyd yr Amgylchedd / Environmental Health	No response
Ymgynghorydd Treftadaeth / Heritage Advisor	No response
Sioned L Jones / Coastal Access Project Officer	No comments
Cynghorydd Jeff M. Evans	No response

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 19/08/2021. At the time of writing this report 182 formal objection letters had been received and 500 web comments had been received. The main reasons for objection as follows:-

- Impact on SSSI, AONB and Special Protection Area (SPA)
- Impact on ecology (particularly red squirrels)
- Minimal impact on economy
- Insufficient local amenities and infrastructure to support development, Strain on health care, emergency services, sewage systems etc.
- No affordable homes for Holyhead
- Proposal does not consider Wales Future Generations Act 2015
- Impact on Coastline
- Destruction of 27 acres of mature trees which is Ancient Woodland

- No demand now Wylfa not going ahead
- Impact on TPO's and ancient woodland
- Additional Traffic and impact on pedestrian safety
- Climate Change and Global Warming
- The development could negatively impact local businesses
- Impact on Welsh Language
- Loss of pet cemetery
- No need for the development
- Overdevelopment of the site
- Visual Impact
- Out of Keeping with the area
- Detrimental impact on local amenity, noise etc.
- Insufficient parking within the development
- No allocation for waste recycling within the development
- Demolishing Historical Buildings
- Not sustainable
- The development does not override public interest
- Important for mental health and wellbeing
- Need for open green space in Holyhead

Impact on Listed Buildings nearby

Other issues

- Area should remain as wildlife reserve
- Conflict of interest of previous Head of Planning and link to Land and Lakes
- Use the park to walk and relax
- More suitable areas to develop
- Plenty of empty, dilapidated houses that developers could turn into holiday homes
- Enough holiday homes in the area

- Lack of consultation and transparency by developer
- Impact on Valley as vehicles will leave A55 at Valley junction.

In response to the objection letters and comments made, this planning application is to discharge the relevant sections of the S106 agreement. The planning application has already been approved and consideration will be given to whether the information submitted with this planning application is sufficient to discharge the relevant section of the S106 agreement for the Penrhos Coastal Park site only.

### **Relevant Planning History**

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## **Main Planning Considerations**

### Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy -

Prior to the commencement of construction of each stage of the development the owner was required to submit details of the car parking and public access strategy in respect of each phase. The applicant has submitted details confirming that these obligations have been met and will continue to be met until the land identified to be part of the development area is reasonably required for this purpose. Details of when access to the public car park and associated toilets have been submitted as part of the application. Full public accessibility to the whole of the Penrhos Access Land has been maintained since the transfer of ownership and will continue until some or all of the Private Open Space and Development Area will be 'reasonably required.

### Schedule 8, clause 12.1; Ancient Woodland Scheme -

Clause 12.1 required that the owner submitted an Ancient Woodland Scheme to the Council for its written approval detailing obligations and measures which the owner will undertake to ensure the retention and maintenance of the Ancient Woodland.

The details submitted have been forwarded to the Senior Landscape and Tree Officer has confirmed that there are no area of ancient woodland within Penrhos Coastal Park.

### Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme -

Clause 15.1 requires that prior to the commencement of construction of each phase the owner shall submit a Green Linkages Scheme in respect of that phase to the Council for its written approval detailing the obligations and measures which the Owner will undertake to ensure the laying out of the Green Linkages together with the means of public access (as appropriate) to the D=Green Linkages the Maintenance and management of the Green Linkages the location and timing of the delivery of the Green Linkages.

Green Linkages means a scheme containing details and the location of the sustainable and safe connections for walking and cycling within all Phases of the Development and linking to adjacent uses and features, public transport and neighbouring land and ecological and landscape connectivity between areas within or adjacent to the development and to be provided as part of every phase or sub phase.

The existing Green Linkages within the Penrhos Coastal Park comprise; the Public Right of Way, including the now designated Penrhos Coastal Path and PRow 38 / Sustrans Cycle route 8; Permissive Public footpaths within the Coastal Park.

In addition to the existing routes the owner proposes several additional walkways within the Coastal Park and these have been approved under planning application reference number RM/2018/6.

No objections were raised by the Public Footpath Officer

### Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme -

Clause 17.1 required that the owner submitted a SSSI Management Scheme which included details of the access arrangement to the SSSI including restricting recreational use and maritime activities within the vicinity of the SSSI, protection of protected species and details of contaminated land and the potential for leachate into the SSSI.

The SSSI Management Plan submitted confirmed that the owner has established a Penrhos Coastal Park Warden team to operate and maintain the accessible public park. The team undertake all operational and maintenance duties, maintain site safety and security and dialogue with the visiting public.

The statement also confirmed that the owner has periodically commissioned coastal bird surveys from 2011 to date. The statement stated that the owner is committed to ensuring the continuing protection of the Beddmanarch-Cymyran SSSI and its coastal habitats and birds and that the footpath networks improvement works will not result in any increase in public pressure on the SSSI and may service to divert users away from the main coastal footpath and the SSSI.

Natural Resource Wales and the Ecological Adviser confirmed that they were happy with the details submitted within the Management Plan.

#### Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme

Prior to the commencement of works on site the owner was required to submit an Ecological Survey and Monitoring Scheme which detailed a timetable to carry out ecological surveys, monitoring and reporting procedures on the surveys and monitoring undertaken, methodology for the Ecological Compliance Audit and details of the Compensatory Habitat and Species Enhancement Areas including the timing of their delivery and their location.

An Ecological Monitoring Strategy has been submitted.

The Ecological Adviser confirmed that additions and changes were made at the time that the documents were submitted under planning application reference DIS/2020/92. Natural Resource Wales also confirmed that they had no objection to the details submitted.

#### Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit

Clause 19.4 required that an Ecological Compliance Audit was submitted once the Ecological Survey and Monitoring Scheme was approved.

An Ecological Compliance Audit has been submitted as part of the application and Natural Resource Wales have confirmed that the details submitted are acceptable.

#### Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme

There was a requirement for the applicant to submit an Existing Tree Management Scheme to the Local Planning Authority prior to the commencement of construction of the Penrhos Phase or Cae Glas Phase 1 detailing the obligations and measures which the owner would undertake to ensure the retention, maintenance and enhancement of the existing trees.

The landscape officer has confirmed that these issues were agreed in the planning application DIS/2020/92 and no further amendments are required. The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

#### Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting

This obligation requires;

A suitably qualified or experienced Warden (whose job specification shall be first approved in writing by the Council) shall be appointed by the Owner prior to Commencement of Development and at the cost of the Owner to ensure compliance with a list of different schemes. the obligation goes on to state that from commencement of development an annually thereafter it shall produce an annual report detailing the measures taken to comply with the requirements of the schedule in relation to the maintenance areas and

any instance of non-compliance with any plan, scheme or requirement of this schedule in relation to the maintenance areas and how any non-compliance has been or will be addressed and setting out any actions to be taken in the following year.

In response to this obligation, in respect of Warden Service Appointment, the applicant has provided proposals regarding scope of appointment and contract requirements. The proposals are provided in Section 3.2.1 of Appendix B4 - Warden Service Appointment.

In respect of the annual reporting, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.2 of Appendix B4 - Warden Service Appointment.

In response to this obligation, in respect of Security within the Coastal Park, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.3 of Appendix B4 - Warden Service Appointment.

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment

The obligation states that the owner shall be responsible for the ongoing provision of adequate security/warden presence in respect to all areas of the land to which the public are permitted access in accordance with the terms of the agreement. Prior to the commencement of development, a suitably qualified or experienced warden (who may be the same person as appointed for the purposes of paragraph 21.1 above) shall be appointed at the cost of the owner to monitor the impact of the development on the AONB and the use of Green Linkages from the Development to the AONB.

In response to this obligation, in respect of AONB impact and use of Green Linkages monitoring, the applicant has provided proposals regarding the Warden Service Appointment and contract requirements. These proposals are provided in Section 3.2.4 of Appendix B4 - Warden Service Appointment

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment –

The requirements of this section states that the Warden shall from the commencement of the development and annually thereafter produce an annual report and provide a copy to the council detailing the impact on the AONB, any mitigation provided and setting out any actions to be taken in the following year to manage and mitigate any impacts on the AONB.

In response to this obligation, in respect of AONB impact annual reporting, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.5 of Appendix B4 - Warden Service Appointment

The information submitted is in relation to Penrhos Coastal Park only.

Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan

The requirement of this section was as follows:-

Prior to the commencement of construction of the Penrhos Phase the owner shall submit to the council for its written approval a phasing plan showing how Penrhos Phase 1, Phase 2 and Phase 3 will be delivered.

The applicant has provided phasing information for the following phases:-

Penrhos Coastal Park – Preliminary Phase

Penrhos Phase 1 – Penrhos Leisure Village

Penrhos Phase 2 – Penrhos Leisure Village

Penrhos Phase 3 – Penrhos Leisure Village

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 11, Section 1, Clause 1.1; Local Labour Plan

The requirement of this section was as follows:-

Prior to the commencement of construction of each phase the owner shall submit to the Council for the council's written approval a Local Labour Plan in relation to that Phase which shall include details of the Owner's proposals to promote the employment of persons resident in the Geographic Area and the engagement of local contractors, tradespeople and businesses as part of the relevant phase or part thereof.

The applicant has prepared and submitted a Local Labour Plan and is limited to the initial phase of work at Penrhos Coastal Park only.

The Local Labour Plan provides the scope of appointment and contract requirements

Contractor Location - Land and Lakes will adopt general terms of appointment of contractors such as contractor location – preferably from the geographic area of Anglesey. Should a wider area need to be considered, this should be limited to North Wales.

Welsh Language Obligations – The contractors selected must be able to meet the requirements of the PCP phase Welsh Language Scheme as agreed with the Council.

Health and Safety – Contractors must provide compliance with current H+S regulations

Insurance – Contractors must hold current Public Liability insurance and Employer's Liability Insurance Cover of a minimum of £10M

Materials and Supplies – All materials and supplies to be obtained as locally as possible preferably from geographic area of Anglesey, if not available limited to North Wales.

Cleaning and Hygiene – Sub-contractors to be sourced locally

Workforce Appointments – Should additional workforce be required to fulfil contracts at Penrhos Coastal Park, these, posts, including all obligations, are to be advertised and appointed locally, unless qualification, skill and experience needs cannot be met.

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

**Conclusion**

To discharge the relevant sections of the S106 obligations in relation to the Penrhos Coastal Park only.

**Recommendation**

Condition Discharged

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/2022/256

Applicant: AMP Construction Ltd

Description: Full application for the erection of 33 affordable homes, new vehicular and pedestrian access, construction of new estate road together with associated works on land adjacent to

Site Address: Crown Street, Gwalchmai



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is presented before the planning and orders committee at the request of both local members for the area, Neville Evans and Douglas Massie Fowlie.

At the committee meeting held on the 5th of April 2023, the members voted to conduct a physical site visit. The site visit took place on the 26th of April 2023 and therefore the members will now be familiar with the site and its surroundings.

## **Proposal and Site**

The site is located in the rural settlement of Gwalchmai in a position directly adjoining Crown Street in the upper section of the village. The site in its present form is an agricultural enclosure and includes a splayed access leading directly from Crown Street, with stone walling forming the access and the remainder of the roadside boundary. Remaining boundaries are formed by mature native hedging comprising of predominantly hawthorn. The site is at an equal elevation with the highway (Crown street) which has a slight gradient running from south west to the north east. The North, South and West boundaries of the site flank existing housing developments with the western boundary being separated by the public highway. The eastern boundary flanks with other agricultural enclosures and the open countryside beyond. The application site itself is considered open countryside by virtue of its location outside of (but directly adjoining) the defined development boundary as outlined in the Joint Local Development Plan inset maps, with Gwalchmai itself categorised as a service village.

The immediate locality of the site does not include a set pattern of development, with a diverse range of property types and finishing materials evident locally. The opposite side of Crown Street directly outside of the site includes both bungalows and 2 storey dwellings, with a range of finishing materials used including (but not limited to) Slate, tile, render, pebbledash and stone cladding. Maes Meurig directly to the south of the site comprises of terraced housing which is finished in slate roofing and pebbledash walling.

The application is made for the erection of 33 affordable dwellings on the site together with the closing up of the existing access, creation of a new access and also the creation of a new internal access road. The dwellings will be 2 storey in their construction and will be finished in tile roof covering, white render, red facing brickwork and white upvc windows, doors and rainwater goods. The site will consist of the following housing mix:

- 12 no. 1 bed apartments
- 10 no. 2 bed semi detached dwellings
- 8 no. 3 bed semi detached dwellings
- 3 no. 4 bed detached dwellings.

## **Key Issues**

The key issues of the scheme are as following:

- Compliance with relevant policies of the Joint Local Development Plan
- Highways matters
- Ecological Matters
- Welsh Language Matters
- Design/Landscaping
- Objections from neighbours

## **Policies**

### **Joint Local Development Plan**

Policy ISA 1: Infrastructure Provision

Strategic Policy PS 2: Infrastructure and Developer Contributions

Policy PCYFF 4: Design and Landscaping

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

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy TAI 16: Exception Sites

Policy TAI 8: Appropriate Housing Mix

Policy TAI 15: Affordable Housing Threshold & Distribution

Policy TAI 3: Housing in Service Villages  
Strategic Policy PS 18: Affordable Housing

Technical Advice Note 2: Planning and Affordable Housing (2006)

Supplementary Planning Guidance - Affordable Housing (2004)

Technical Advice Note 12: Design (2016)

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

Policy AMG 5: Local Biodiversity Conservation

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Policy PCYFF 6: Water Conservation

Policy PCYFF 5: Carbon Management

Strategic Policy PS 16: Housing Provision

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

Supplementary Planning Guidance - Planning Obligations (Section 106 Agreements) (2008)

### Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection following receipt of additional info.
Draenio Gwynedd / Gwynedd Drainage	No response.
GCAG / GAPS	No objection.
Gwasanaeth Addysg / Education Service	Financial contribution required.
Polisi Cynllunio / Planning Policy	Outline of applicable policies provided along with details regarding open space contribution.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Iechyd yr Amgylchedd / Environmental Health	Comments regarding working hours.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No objection.
Dwr Cymru Welsh Water	No objection.
Strategol Tai / Housing Strategy	Satisfied there is demand for number and mix of dwellings proposed .
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No objection.
Cynghorydd Neville Evans	Call in to committee.
Cynghorydd Douglas Massie Fowle	No response.
Cyngor Cymuned Trewalchmai Community Council	Objections raised regarding following issues: - Overdevelopment - Insufficient infrastructure

	<ul style="list-style-type: none"> <li>- Dwellings not for local people</li> <li>- Concern regarding Welsh Language</li> <li>- Concern regarding capacity for foul water</li> </ul>
Ymgynghorydd Treftadaeth / Heritage Advisor	No comments

The application was afforded publicity by 2 means as following:

- Personal letters to neighbouring properties.
- Advert placed in the local press.

The latest date for representations to be made in response to the publicity was the 02/11/2022. At the time of writing this report, 119 letters of representation had been received and their contents will be addressed later in this report.

### Relevant Planning History

None.

### Main Planning Considerations

#### Principle of Development

As mentioned previously, the application site is outside of the defined development boundary of Gwalchmai but directly adjoins the boundary on 3 of its elevations and therefore can be considered as an exception site in line with policy TAI 16 of the plan. TAI 16 states as following:

*'Where it is demonstrated that there is a proven local need for affordable housing (as defined in the Glossary of Terms) that cannot reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing schemes on sites immediately adjacent to development boundaries that form a reasonable extension to the settlement will be granted. Proposals must be for a small scale development, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to suitable previously developed land'*

The policy is principally based on proposals demonstrating that there is an identified need for affordable housing. The application was supported by the submission of a design, access and planning statement which included a section in relation to housing mix/need. The statement provides details of how supply and demand for housing was assessed by means of assessing the following sources:

- Anglesey Local Housing Market assessment
- Census data
- Tai Teg Affordable housing register
- Rural housing Enabler Service
- Local Authority Social Housing Register

Having collated information from all these sources, it was concluded that there was a need for 50 affordable dwelling in the Trewalchmai area, although it was acknowledged that there may be a degree of crossover in the various sources. The department are satisfied that there is a genuine need for 33 affordable dwellings as were the local Authority housing department who confirmed there is demand for this number and mix of dwellings. The policy also requires it to be demonstrated that the need cannot be reasonably delivered within a reasonable timescale on market sites. Gwalchmai at present only includes 1 housing allocation site which has in part received consent (including 2 affordable dwellings) with the other part vacant. The vacant section is some 0.5 hectare in size and therefore in line with PCYFF 2, should theoretically provide 15 units (3 units affordable). As can be seen, the theoretical supply of affordable dwellings on market sites within Gwalchmai would fall significantly short of the demand. As such, the department are satisfied this demand can not be met within a reasonable timescale on market sites. The application site is flanked on 3 of its elevations by existing housing developments and includes natural existing demarcation. The proposal would form a natural extension to the village as it would infill a

gap in the build form of the village on the south side of Crown Street. It is acknowledged that the site is not small scale in nature, however in line with the policy it has been demonstrated that there is a genuine need for a larger housing site. Due to the above, it is considered that all aspects of TAI 16 have been effectively conformed with and thus the proposal is in accordance with the principle policy in assessing the fundamental acceptability of the scheme.

### **Housing Density**

Policy PCYFF 2 of the JLDP states that all housing developments should achieve a minimum housing density of 30 units per hectare to ensure the best and most efficient use of land. The application site area is 0.83 hectares which equates to a housing density of 41 units per hectare and therefore the scheme achieves the minimum housing density set out under the policy. The Supplementary Planning Guidance Design Guide denotes that dwellings should include an area of approx 55m<sup>2</sup> amenity area. The proposed site plan delineates the dwellings will include garden areas ranging between 54m<sup>2</sup> a 62m<sup>2</sup>. Due to this, it is not considered that the development can in planning terms be legitimately considered as over development of the site. Further to this, the site includes visitor parking along with open space in the form of the attenuation basin together with the amenity area with fruit tree planting to the northern end of the site.

### **Housing Mix**

Policy TAI 8 states that all new housing development should contribute to improving the balance of housing stock and meet the identified needs of the whole community. As mentioned above, a housing mix statement was submitted as part of the application and included details of assessments made of various sources. The statement identified a local need in particular for 1 bed units, which the scheme has been designed to meet. The housing department were satisfied that the housing mix was appropriate and met the needs of the Trecastell ward and as such the department are of the opinion the scheme is in conformity with TAI 8. Having discussed the housing type/mix further with the housing department, they have confirmed that 4 no. 2 bedroom dwellings and 4 no. 3 bedroom dwellings should be intermediate rent, with the remainder social housing. The developer was happy to accept this mix requested by the housing department.

### **Housing Amount**

Despite being outside of the defined development boundary, the scheme must still be considered against the indicative provision figures allocated to Gwalchmai as a service village. The indicative supply for Gwalchmai (including a slippage allowance of 10%) is for 40 units over the plan period. In the period 2011 to 2022 a total of 19 units have been completed within Gwalchmai. The total land bank (windfall and allocated sites), i.e. sites with extant planning permission and likely to be developed, in April 2022, was 17 units. In addition there is part of an allocated site Land Near the A5 (T54) that has an extant planning permission for 6 units with the remainder of the allocation anticipated to deliver 21 additional units. This means that Gwalchmai will have exceeded its capacity with the development of the allocated site.

Policy PS 17 in the Plan states that 25% of the Plan's housing growth will be located within Villages, Clusters and open countryside.. The indicative growth level (including 10% slippage) for Villages, Clusters and open countryside is 1953 units. 1,422 units were completed between 2011 and 2021 in the Villages, Clusters and open countryside category and that 708 were in the land bank (and likely to be developed). This data reflects the fact that the Plan has inherited a number of approvals given by the Local Planning Authority on the basis of previous development plans and relevant planning considerations. Some of these approvals correspond with the adopted JLDP. Therefore, currently, the approval of this site can be supported by the expected provision within the Villages, Clusters and open countryside category. As Gwalchmai as a settlement has exceeded its indicative provision however, it is required that the scheme is sufficiently justified and also supported by the submission of a Welsh language impact assessment. The scheme is made to meet an identified affordable need in the area and the scheme was supported by the submission of a Welsh Language Impact Assessment. The WLIA was assessed by the local authority Welsh Language and Policy Manager, who showed initial concern in regards to the data used to collate the report, but following further correspondence from the agent clarifying the data used, had no objections to make.

## **Design**

Policy PCYFF 3 of the JLDP is made with the main thrust of ensuring that all proposals are of a high quality design which fully take into account the built and natural context of the site. The proposed design of the units have been set out earlier in this report. The proposed units are typical in their scale and proportions and will be sympathetic of the design precedent which exists locally and as such it is considered that the built environment has been fully considered as part of the design of the site. The site has been laid out in a manner where the roadside dwellings run away from the highway and thus retain part of the more open feel of this section of the village and prevent the development from being imposing on the street scene. Due to the above, the department are of the opinion the scheme is in accordance with policy PCYFF 3

## **Effect upon Residential Amenity**

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to 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. Regard has been given in terms of overlooking / loss of privacy and the effect on the outlook of adjacent residential properties and also within the development site. Existing dwellinghouses are located along the northern and southern boundary of the application site and on the opposite side of Crown Street. It is not anticipated that the scheme would have a detrimental impact upon the amenities currently enjoyed by properties to the north and south of the site as they will be separated by ample distance (25 m to the south and 15 to the north) and both boundaries include thick mature hawthorn hedging to a height of approx. 3 metres and up to 4 metres in areas. Due to this, it is not considered that the scheme would overlook any existing properties to the north and south to an extent that would warrant refusal of the scheme. The arrangement of the dwellings roadside within the site ensures that there are no primary windows that would look directly towards to properties on the opposite side of crown street and therefore would not overlook to an extent that would warrant refusal. Despite the site being open countryside in policy terms, it is still within the village from a visual point of view and thus there is an existing baseline of disturbance in the area due to traffic etc and therefore it is not considered that the proposal would give rise to a level of disturbance which would justify refusal.

Within the site, the dwellings have been set out with regard to the Design Guide Supplementary Planning Guidance. The majority of the dwellings will face the boundaries of the site where the primary windows will look out over the open countryside or towards the mature boundaries which ensures that they will not give rise to overlooking. Within the central area of the site, the rear of the properties will face inwards towards each other, however these properties have been designed with the living rooms to the front of the properties and therefore the distance of 9-15 metres set out under the SPG can be met (20metres distance between facing properties). Further to this, 1.8m close boarded timber fencing will be utilised as boundary treatment which will act as mitigation against any overlooking at a ground floor level.

## **Contributions**

Large scale developments have potential to effect the capacity of local schools and therefore the education department were consulted to ascertain whether or not any financial contributions are required as part of the scheme. Having assessed the current capacity of local schools and the likely requirements of the development, it was concluded by the education department that a total financial contribution of £67,497 would be required which consisted of £49,028 towards primary aged pupils at Ysgol y Ffridd and £18,469 towards post 16 pupils at Ysgol Uwchradd Bodedern.

Policy ISA 5 states that for proposals of 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed housing development, it will be expected to provide suitable provision of open spaces in accordance with the fields in Trust benchmark standards of 2.4 hectares per 1000 population. An SPG on Open Space in New Residential Development was adopted on the 22 March 2019. This provides guidance for undertaking an assessment over the need for open space provision within settlements. Policy ISA5 does acknowledge that in some circumstances on site provision may not be feasible. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. This obligation enables developers to make a contribution

towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space.

The calculation of costs is based on (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision. If the cost of providing the various categories of open spaces changes over time, the most recent cost framework will be used.

- Outdoor sport provision =  $947.68\text{m}^2 \times \text{£}11.69 = \text{£}11078.38$
- Children's equipped play provision =  $108.79\text{m}^2 \times \text{£}37.99 = \text{£}4132.93$

The financial contributions of £67,497 towards education and £15,211.31 towards open space will be secured by a S106 legal agreement.

### **Drainage Arrangements**

The application was supported by the submission of a drainage strategy document which details the proposed methods of disposal of both foul and surface water. Surface water will be discharged into a suitably sized SuDS basin which will in turn run through a hydrobrake, controlling the rate of discharge of surface water to the final point of discharge into an existing water course. No response was received from the drainage department despite being consulted, but surface water drainage will receive closer scrutiny as part of the SuDS application none the less. Foul sewerage will be disposed of into the public sewerage network, which Dwr Cymru as the sewerage undertaker did not object to and were satisfied the the contents of the drainage strategy document along with the proposed point of connection. As such, it is considered that the drainage arrangements of scheme are acceptable.

### **Agricultural Land**

The application site is located on what has been identified as good quality agricultural land – Grade 2. Criterion 6 of Strategic Policy PS6 (Alleviating and adapting to the effects of climate change) of the JLDP states that proposals have to fully take account of safeguarding the best and most versatile agricultural land.

Planning Policy Wales states that considerable weight should be given to protecting such land from development, because of its special importance. The best and most versatile land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

It is also noted that if best and most versatile land does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

As such, there is a need to consider the proposal against these factors and whether there is an overriding need for the development when considered against safeguarding the land. To this extent it is noted that an Agricultural Land Classification Report (ALCR) has been submitted with the planning application.

The ALCR concludes that the land is only used for grazing and has only moderate value in terms of the agricultural land classification of growing crops for food production. The report underlines that the land in question is Grade 3a, the soil type is clay loam, with restricted use with impeded drainage, with soil conditions that may limit safe groundwork and grazing.

As previously noted, criterion 6 of Strategic Policy PS6 (Alleviating and Adapting to the Effects of Climate Change) notes that proposals must give full consideration to protecting the best and most versatile agricultural land. Best and most versatile (BMV) agricultural land is defined in Planning Policy Wales as Grades 1, 2 and 3a, this is excellent to good quality land which is able to best deliver the food and non-food crops. The ALCR has undertaken a detailed survey of the site and concluded that the quality of the land reflects Grade 3a land which is considered best and most versatile agricultural land, however due to

the significant affordable need expressed by the housing department, it is considered there is an overriding need for the development.

### **Ecology/Landscaping**

Under policy AMG 5 of the JLDP and the Councils Duty under the Environment Wales Act (2016), it is required that all proposals demonstrate a net gain to biodiversity. An ecological survey has been carried out on the site which identified its current ecological value together with making recommendations for mitigation and enhancement measures. Proposed enhancement features include landscaping, installation of bird/bat boxes together with the opening of hedgehog gaps inbetween the dividing timber fencing. These measures were considered acceptable by the local authority ecology officer and as such it is considered that the requirements of policy AMG 5 will be met. Conditions will be used to secure the landscaping together with the other mentioned enhancement features.

### **Neighbour Objections**

As mentioned above, 119 letters of objection had been received at the department in response to the publicity afforded to the scheme. The issues raised can be summarised as below:

1. Scale of development would overload infrastructure
2. 1 bed flats will give rise to antisocial behaviour
3. Road from A5 is insufficient to accommodate additional traffic.
4. Ysgol y Ffridd has insufficient capacity
5. Doctor surgery will not be able to accommodate additional population
6. Insufficient foul drainage capacity to accommodate scheme.
7. Negative effect on welsh language.
8. Site access is sub-standard
9. Houses will be for rent only and not for local people to buy.
10. Over development of site
11. Site will serve wider Trecastell ward and not Gwalchmai itself.

In response to these points:

1. Suitable financial contributions will be obtained towards education and open space infrastructure. Betsi Cadwaladr were consulted but did not respond.
2. The units will be let out for social rent through North Wales Housing Association and 1 bed units are not inherently antisocial. Any antisocial behaviour will be dealt with through different regulatory processes outside of the planning function.
3. The Local Authority Highways department had no objections to the scheme and were satisfied with the access arrangements.
4. The education department had no objection to the scheme on the condition that a financial contribution of £67,497 was made towards education in the area, with £49,028 of that contribution going towards Ysgol y Ffridd.
5. Betsi Cadwaladr made no comments in relation to the scheme.
6. Dwr Cymru as the public sewer undertaker had no objections to the scheme and the surface water drainage will receive closer scrutiny as part of the SuDS application.
7. The local authority Welsh Language and Policy Manager had no objections to the scheme.

### **Conclusion**

The department had concerns initially in regards to the scale of the development with respect to the small country village it is located within, however upon receipt of confirmation from the housing department that there is significant need for the development, it is not considered there is sufficient material planning reason to refuse on this basis. As such, the department are satisfied that the proposal is in accordance with all relevant national and local planning policies and no other material considerations point towards refusal of the scheme being necessary. Due to the above, the department are minded to recommend approval of the scheme.

## Recommendation

That the application is permitted subject to the completion of a Section 106 Agreement and 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.**

- Location Plan / 2947:21:1A
- Proposed Site Plan / 2947:21:3p
- Proposed Visibility Display and Highway Improvement / 0008 S1 P01
- Proposed 2 Bedroom Dwellings / 2947:21:5f
- Proposed 1 Bedroom Apartments / 2947:21:4f
- Soft Landscaping Proposals / 22/14/LP/01 Rev A
- Proposed 4 Bedroom Dwelling / 2947:21:7f
- Soft Landscaping Proposals / 22/14/LP/02 Rev A
- Proposed Section 104 Drainage Layout / 0006 S1 P01
- Proposed Areas / 0004 S1 P01
- Proposed 3 Bedroom Dwellings / 2947:21:6f
- 

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

**(03) 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 and F of Part 1 of Schedule 2 are hereby excluded.**

Reason: In the interests of residential and visual amenity.

**(04) The site shall be landscaped strictly in accordance with the Landscaping plans (22/14/LP/02 Rev A ac 22/14/LP/01 Rev A) 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 the interest of the visual amenity of the locality.

**(05) A landscape management plan incorporating appropriate biodiversity enhancements, 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) In the event of any contamination being found, a suitable Remediation Strategy should be prepared for the site. The Remediation Strategy shall be submitted and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the Remediation Strategy.**

Reason; To safeguard the amenities of future occupants.

**(07) 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.

**(08) The turning area shall be completed in full accordance with the details hereby approved before work on the remainder of the development hereby approved is commenced and thereafter retained solely for those purposes.**

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

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

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

**(10) The dwellings shall not be occupied until the estate road shown on plan 2947:21:BR2a has been constructed to the base course level.**

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

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

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 2.4 metre by 70 metre splays on either side with the existing wall/fence/hedge along the highway boundary removed and replaced along the line of the vision splays where they lie within the curtilage of the site.**

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 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:

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/2022/291

Applicant: Mr R Anthony

Description: Full application for the conversion of the garage into an annexe at

Site Address: Monfa, Holyhead Road, Mona



**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 Nicola Roberts due to local concern surrounding the application.

At the planning committee on the 5th April it was decided that a physical site visit should be undertaken. The site visit took place on the 26th April and members are now aware of the site and its settings.

**Proposal and Site**

The application presented is for alterations to the existing garage, together with its conversion into an annexe.

The application site is a detached bungalow located in an open countryside location along the A5 in Mona. The site is outside any development boundary or cluster 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 2: Special Landscape Areas  
 Policy PCYFF 2: Development Criteria  
 Policy PCYFF 3: Design and Place Shaping  
 Policy TRA 2: Parking Standards

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

Technical Advice Note 12: Design (2016)

Planning Policy Wales (Edition 11, February 2021)

### Response to Consultation and Publicity

Consultee	Response
Cynhorydd Geraint Ap Ifan Bebb	No response received
Cynghorydd Nicola Roberts	Called the application into the planning committee due to local concern.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	The site is adjacent to a designated wildlife site, but is unlikely to have negative impacts. No ecological survey is needed, and advice was provided regarding external lighting. A bird box should be added to the proposed building as biodiversity enhancement.
Cyngor Cymuned Llangristiolus Community Council	Questioning whether this is a new development in the open countryside. Email confirmation was sent to the Community Council stating that a condition would be placed to ensure that the annexe is used ancillary to the main dwelling.
Priffyrdd a Trafnidiaeth / Highways and Transportation	Informatives for the applicant
Dwr Cymru Welsh Water	Informatives for the applicant

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 representation was the 16/11/2022. At the time of writing this report, one letter of representation was received at the department.

The main comments raised were:

- Neighbours not notified of the application

- This is a resubmission of a previously withdrawn application with no apparent changes
- The property is no longer on Airbnb but is still listed on coolstays.com
- How can the annexe be for the applicants' parents if the property is a holiday let

In response to the issues raised:

- The comment was received the same day that the neighbour letters were posted
- The previous application was withdrawn at the request of the agent
- Confirmation has been received that the applicant lives at the property, and it is no longer a holiday let
- A condition will be placed that the annexe is used ancillary to the main dwelling

### **Relevant Planning History**

36C357 – Full application for the demolition of the existing garage together with the erection of a new garage at Monfa, Mona, Bodffordd. Approved 19/06/2018.

HHP/2019/276 – Retrospective application for the retention of the store/workshop at Monfa, Mona, Bodffordd, Llangefni. Approved 31/12/2019.

HHP/2022/200 - Full application for the conversion of the garage into an annexe at Monfa, Holyhead Road, Mona. Withdrawn 08/08/2022.

### **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 detached bungalow located in an open countryside location along the A5 in Mona. The site is outside any development boundary or cluster as defined by the Joint Local Development Plan. The site also lies within the Special Landscape Area 'Malltraeth Marsh & Surrounds'.

The proposed scheme is for alterations to the existing garage, together with its conversion into an annexe.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties
- iii. Special Landscape Area and Ecology

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

The proposal involves alterations to the existing garage together with its conversion into an annexe. The existing garage is located in close proximity to the rear elevation of the main dwelling. It is a rectangular building measuring approximately 10.8m by 7.5m, with a pitch roof at 5m in height. The footprint of the building will remain unchanged as part of this application.

Small amendments are proposed to the external appearance of the building to accommodate its conversion into an annexe. Both side elevations and the rear elevation will remain unchanged, with the existing double garage door on the front elevation being replaced by a single door with narrow glass panels on either side. These are small changes to the appearance, which are considered to have no impact on the design of the building. The building will remain integrated into the site, and is a high quality design in accordance with policy PCYFF 3.

The justification provided behind the proposed scheme is to provide annexe accommodation for the applicants' parents. A single storey building is required to cater their needs, and this annexe will bring them closer to the family. The annexe will share the same access, parking area and garden as the main

dwelling, and it is considered that they will form part of one residential unit. Concerns were raised during the consultation period that Monfa is a holiday let, listed on coolstays.com, who appear to be a subsidiary of the main letting agent Anglesey Holiday Lettings. The applicant has confirmed that he has lived in Monfa permanently since September 2022, and that the property is no longer a holiday let, which was also confirmed by the Council Tax department. Given the justification provided by the applicant, the Local Planning Authority are satisfied that the annexe will be used ancillary to the main dwelling, and a planning condition will secure that.

## **ii. Impact on Adjacent Residential Properties**

The application site is in an open countryside location, with only a few nearby residential properties. Neighbouring property Indus House is located directly to the east, whilst Coedlys Mona is located to the west. The side window facing Indus House will be facing a high boundary wall, the rear windows will be looking into agricultural land, with the front windows facing the driveway. No issues of overlooking will arise from the change of use of the garage into an annexe.

Given the small scale nature of the development with only minor external changes, and as the annexe is to be used ancillary to the main dwelling, it is considered that the impact on neighbouring properties would be negligible. As such, it is considered that the application complies with policy PCYFF 2.

## **iii. Special Landscape Area and Ecology**

The site is located near the edge of the Special Landscape Area (SLA) 'Malltraeth Marsh & Surrounds'. Policy AMG 2 of the JLDP states that when considering a proposal within SLAs, there will need to be an appropriate consideration to the scale and nature of the development, ensuring that there is no significant adverse detrimental impact on the landscape. The development should aim to maintain, enhance or restore the recognized character and qualities of the SLA. Given the small scale nature of the development it is not considered to have any impacts upon the qualities of the SLA.

In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, two bird boxes will be installed on the building. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act.

## **Conclusion**

This is an application to convert the existing garage into an annexe for the applicants' parents. The justification provided is considered sufficient, with the small external changes proposed not considered to impact the character of the building. The small scale nature of the development and the ancillary use to the main dwelling ensures that the development will have negligible impacts upon its neighbouring properties, and that their privacy and amenities are maintained.

## **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.**

- Existing site plan

- Location plan
- Proposed end elevations
- Proposed front & rear elevations
- Proposed floor plan
- CDP-Annexe-001: Planning Justification Statement

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

**(03) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on land outlined in red on the location plan submitted under planning application reference HHP/2022/291.**

Reason: For the avoidance of doubt

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 2, PCYFF 2, PCYFF 3, TRA 2

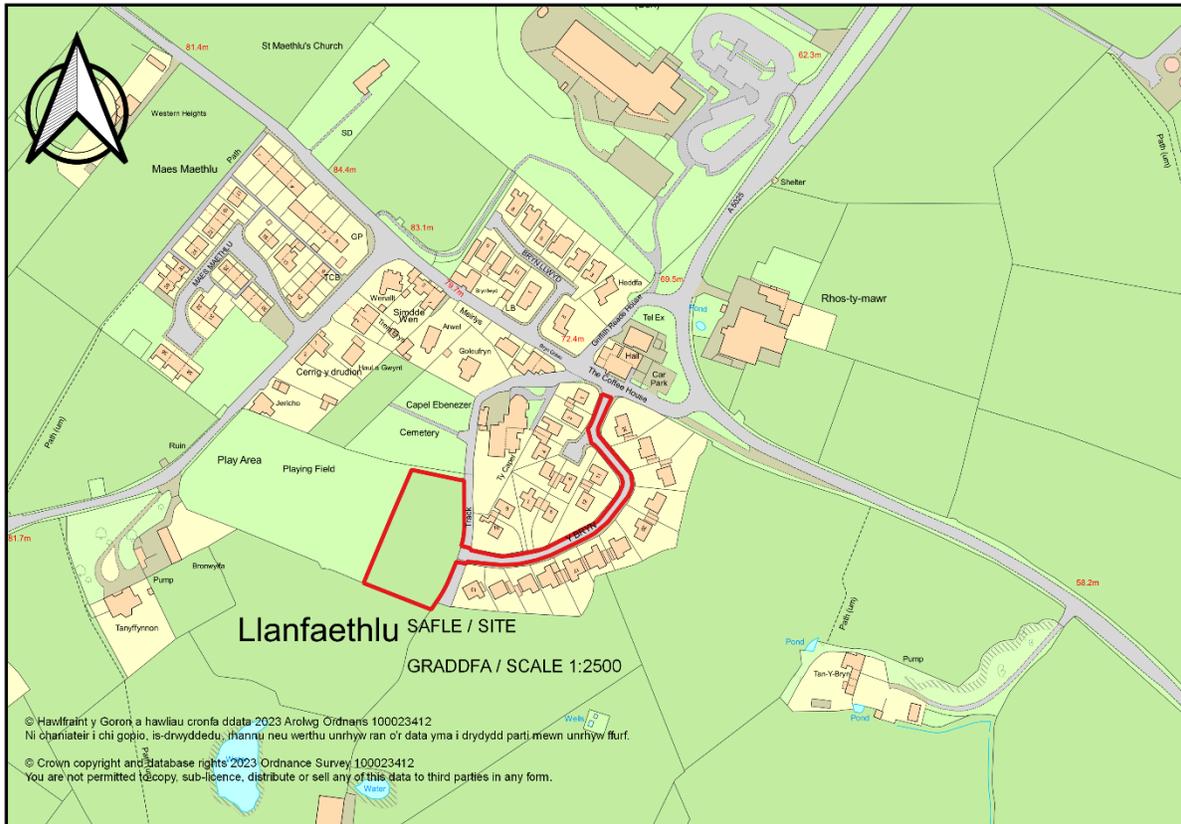
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/247

Applicant: Mr Nigel Ingram

Description: Full application for the erection of 9 dwellings together with associated works on land adjacent to

Site Address: Bryn Estate, Llanfaethlu



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application was originally called to the planning committee by a Local Member Kenneth Hughes.

It was resolved to approve the planning application at the April 2021 Planning Committee subject to conditions and the completion of a legal agreement. Following this resolution an amended ownership certificate C was submitted by the applicants giving notice to the council as landowner. The application was subsequently referred back to the July 2021 committee in which it was approved.

The legal agreement has yet to be completed, however amended plans have been received. It is considered necessary to publicise, consult and report to the planning committee in light of these proposed changes.

Further to the latest consultation and publicity, Local Member Llinos Medi Huws has called the application to the planning and orders committee.

The application was deferred at the April 2023 Planning and Orders Committee.

### **Proposal and Site**

The application site adjoins the south west of Llanfaethlu and it adjoins and is accessed through Y Bryn residential Estate. There is an access track along the eastern boundary which forms part of the route of a Public Right of Way. There are 3 listed buildings adjacent at Capel Ebenezer to the north east. Part of the village adjacent is within an Area of Outstanding Natural Beauty "AONB".

This is a full planning application for 9 dwellings comprising 7 detached and two semi-detached houses. The housing mix of the development is as follows:

- Five 3 bedroom detached
- Two 3 bedroom detached
- One 3 bedroom affordable
- One 2 bedroom affordable.

The application site encompasses part of the track along the eastern boundary of the application site and a new road and pavement is proposed connecting with the public highway leading through Y Bryn. The planning application is being reported back to the planning committee as the applicant has now submitted amended plans which seeks to make amendments to the surface water drainage arrangement.

### **Key Issues**

Whether or not the amended drainage plans are acceptable and would have a detrimental impact upon the surrounding area.

### **Policies**

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

- PS 1: Welsh Language and Culture
- ISA 1: Infrastructure Provision
- 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
- PS 17: Settlement Strategy
- TAI 4: Housing in Local, Rural and Coastal Clusters
- TAI 8: Appropriate Housing Mix
- AMG 1: AONB Management Plans
- 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  
 PS 19: Conserving and where appropriate Enhancing the Natural Environment  
 PS 20: Preserving and where appropriate enhancing heritage assets

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)  
 Technical Advice Note (TAN) 23: Economic Development (2014)  
 Technical Advice Note (TAN) 24: The Historic Environment (2017)

Supplementary Planning Guidance IOCC Design 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) (2019)  
 Supplementary Planning Guidance Housing Mix (Oct 2018)  
 Supplementary Planning Guidance Affordable Housing (April 2019)  
 Supplementary Planning Guidance (SPG) ‘Maintaining and Creating Distinctive and Sustainable Communities’ (July 2019)

Isle of Anglesey AONB Management Plan 2015-2020.

### Response to Consultation and Publicity

Consultee	Response
Ymgynghoriadau Cynllunio YGC	No Objection – Informative should be included as part of any permission to ensure that a section 268 highways consent for the drainage works within highways should be secured.
Dwr Cymru Welsh Water	No objection. No further comments to those previously provided
Prifffyrdd a Trafnidiaeth / Highways and Transportation	SAB approval has been granted for the proposed development
Cyngor Cymuned Llanfaethlu Community Council	No Response at the time of writing report
Cyfoeth Naturiol Cymru / Natural Resources Wales	No further comments
Cynghorydd Jackie Lewis	No Response at the time of writing report
Cynghorydd Llio Angharad Owen	No Response at the time of writing report
Cynghorydd Llinos Medi Huws	Application refereed to the Planning and Orders Committee. Concerns raised with respect to affordable housing and whether there is sufficient capacity within the existing surface water and sewage system to accommodate the proposed development.

Following the submission of amended plans the planning application was re-advertised and notification period expires on the 05/04/2023. A press advert was also issued which will expire on the 14/04/2023. At

the time of writing this report two correspondence have been received by the Local Planning Authority in response to the latest publicity. The comments are summarised as follows:

- Concerns with respect to highway safety and the increase the traffic along the estate road. It is considered that the estate road and access are unsuitable for the prosed development.
- Concerns with respect to land ownership.
- Concerns whether there is sufficient capacity within the existing surface water and sewage system to accommodate the proposed development.

### **Relevant Planning History**

S106/2022/7 - Application for the deletion of Section 106 Agreement in relation to affordable housing of planning permission 29C112B/VAR at Bryn Estate, Llanfaethlu -Withdrawn 17/03/2023

FPL/2020/247 - Full application for the erection of 9 dwellings together with associated works on land adjacent to Bryn Estate, Llanfaethlu – Permitted by planning committee subject to legal agreement – 07.07.2021 (Legal agreement not completed and permission not formally issued)

RM/2019/4 - Application for reserved matters for the erection of 6 dwellings on land at - Bryn Estate, Llanfaethlu - Permit 21.08.2019.

DIS/2019/60 -Application to discharge condition (05) (Slate trade description) (06) (External surface material trade descriptions) (13) (Surface water drainage) of planning permission 29C112B/VAR on land at - Stad Bryn Estate, Llanfaethlu - Condition Discharged / Not Discharged 21.08.2019.

DIS/2019/102 -Application to discharge condition (13) (scheme of surface water) of planning application 29C112B/VAR (erection of 6 dwellings) on land at Bryn Estate, Llanfaethlu – Condition Partially Discharged 25.10.2019.

29C112B/VAR Application under Section 73 for the variation of condition (02) of planning permission reference 29C112A (renewal of planning permission reference 29C112 for the erection of 6 dwellings on land adjacent to) so as to extend the outline planning permission by a further three years together with the deletion of conditions (25), (26) and (27) (Code for Sustainable Homes) on land aqt Bryn Estate, Llanfaethlu - Conditionally Approved 01.11.2017.

29C112A - Renewal of planning permission reference 29C112 for the erection of 6 dwellings on land adjacent to Y Bryn, Llanfaethlu- Conditionally Approved 07.12.2012.

29C112 - Outline application for the erection of 6 dwellings (revised layout and mains drainage in lieu of treatment plants) together with alterations to the existing vehicular access and associated highway improvement on land adj Y Bryn, Llanfaethlu - Conditionally Approved 14.12.2007.

### **Main Planning Considerations**

#### **Background:**

Outline planning permission was initially granted in 2007 for the development of 6 residential units on the application site. A reserved matters application was also subsequently granted and pre commenced condition discharged. Although no formal CLEUD application has been granted, it appears that works have commenced at the site within the statutory time period, securing the planning permission. The principle of developing the application for 6 residential units would appear to have been established. The planning application subject to the current application increases the number of units by 3 to 9 and the acceptability of the principle of the development is considered in relation to the development plan below.

On the 7<sup>th</sup> July, 2021 the Planning and Orders Committee resolved to approve the application subject to a legal agreement requiring the provision of two affordable housing units. Since the resolution, work has

been ongoing with respect to the drafting of the legal agreement however no decision has been issued by the Local Planning Authority.

The applicant now seeks to make amendments to the application, specifically to the surface water drainage system. Since the principle of development and other material considerations have previously been considered acceptable subject to conditions and a legal agreement, the only element which will require consideration is with respect to the amended detail.

### **Foul and Surface Water Drainage**

As part of the previously approved scheme foul and surface water drainage proposed to be connected at points in the public highway adjacent at Y Bryn.

No change is being proposed to the foul drainage. However with respect to surface water drainage, rather than the surface water drainage being connected to the existing drainage network, the pipework would instead be connected to an existing surface water drainage gully that is within the control of the Local Authority that is positioned within the highway a short distance to the east of 1 Y Bryn.

Due to the size and nature of the development, the proposal requires approval of Sustainable Drainage Systems (SuDS), in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.

As such, an application (reference YM2021SAB05) has already been submitted and approved by the Isle of Anglesey County Council as the determining SuDS Approval Body (SAB). These details granted by the SuDS application incorporates the same proposed drainage details which have submitted as amended drawings.

### **Conclusion**

The principle of development has previously been accepted by the Planning and Orders Committee subject to conditions and a legal agreement. Having regard to the development plans and all material considerations the amended drawings relating to drainage arrangements are considered acceptable.

### **Recommendation**

That planning permission is granted subject to the completion of a legal agreement requiring the provision of two affordable housing units and to the following planning conditions:

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

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

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

**Site Location Plan A-00-11 rec 01**

**Site Topographic Survey A-00-01**

**Proposed Site Layout A-00-03 03**

**Proposed Plans and Elevations 3 bed Detached Dwelling plots 8 and 9 A-03-01**

**Proposed Plans and Elevations 3 bed detached dwelling plots 1-5 A-03-05**

**Proposed plans and elevations for 2/3 bed affordable dwellings plots 6 and 7 A-03-08**

**Proposed Drainage Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0001 S1 P07**

**Proposed Section Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0001 S1 P04**

**Proposed SAB Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P03**

**Proposed SAB Offsite Works Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P01  
Surface Water Drainage Sections - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P03  
Ecological Assessment & Reptile Surveys (5th January 2020 (V2) Cambrian Ecology**

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

**(03) If contamination is encountered in the implementation of the development hereby approved it shall be fully assessed in an appropriate remediation scheme 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 remediation scheme as may be approved under the provisions of this planning condition.**

Reason To ensure that any contaminants present have been remediated to safeguard occupants and users of the development.

**(04) Notwithstanding the plans hereby approved no development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The proposed development shall be constructed in conformity with the slab and proposed ground levels as may be approved under the provisions of this planning condition.**

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

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

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

**(06) No other part of the development hereby approved shall commence until full details of the measures to eradicate "montbretia", which shall be in accord with the options in section 9 of the Ecological Assessment & Reptile Surveys (5th January 2020 (V2) Cambrian Ecology and include a timetable and a report on the monitoring and the effectiveness of the measures to be implemented to eradicate "montbretia" has been submitted to and approved in writing by the Local Planning Authority. The eradication of "montbretia" on the application site shall thereafter be undertaken strictly in accord with the details as may be approved under the provisions of this planning condition.**

Reason To ensure that non-native invasive species are eradicated in accord with the approved details.

**(07) Notwithstanding the landscaping plans hereby approved no development shall commence until plant density numbers are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accord with the details approved under the provisions of this condition and the landscaping plans hereby approved "Landscaping Scheme".**

Reason In the interests of the visual amenities of the area and to secure an ecological enhancement

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

Reason In the interests of the visual amenities of the area and biodiversity.

**(09) No development shall commence until a Construction Environmental Management Plan “CEMP” has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development hereby approved and, as a minimum, shall include detail of:**

**Full specification(s) of external lighting (if any)**

**Working hours during the construction**

**Dirt and dust control measures and mitigation**

**Noise, vibration and pollution control impacts and mitigation;**

**Water quality and drainage impacts and mitigation.**

**Height, specification and colour of safety all fencing and barriers to be erected in the construction of the development hereby approved.**

**The development hereby approved shall be undertaken in accordance with the approved CEMP.**

Reason: To safeguard against any impact the construction of the development may have on the environment and local amenity.

**(10)**

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

**b) A detailed report on the archaeological work, as required by condition 13 (a), shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork.**

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and TAN24: The Historic Environment.  
2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

**(11) No dwelling hereby approved shall be occupied until full design details for the lighting of the estate road have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented and is fully operational.**

Reason: In the interests of safety and security to ensure there is safe and convenient access to occupied properties.

**(12) The car parking accommodation for each dwelling shall be completed in full accordance with the details as shown on the approved drawings before the dwelling to which the car parking accommodation relates is occupied and shall thereafter retained solely for those purposes.**

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

**(13) 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;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vi) The arrangements for loading and unloading and the storage of plant and materials;**
- (vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the development shall be completed in accordance with the CTMP as may be approved under the provisions of this planning condition.**

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

**(14) No development shall take place until measures are in place to secure the future maintenance of the estate road in the development hereby approved have been submitted to and approved in writing by the local planning authority. The future maintenance of the estate road in the development hereby approved shall thereafter be undertaken strictly in accord with the details as may be approved under the provisions of this planning condition.**

Reason: To comply with the requirements of the Highway Authority, in the interests of safety and amenity to ensure there is safe and convenient access to occupied properties for the lifetime of the development.

**(15) Notwithstanding the plans hereby approved no development shall commence until a surface water drainage scheme for the development including all on and off site plans and specifications have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the surface water drainage scheme as may be approved under the provisions of this planning condition has been implemented and is fully operational for the dwelling to which it relates.**

Reason: To comply with the requirements of the Highway Authority and in the interests of safety and amenity of future occupiers to ensure there is adequate drainage of the highway and the development.

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.

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Planning Committee: 03/05/2023

10.1

Application Reference: FPL/2023/43

Applicant: Mr Joey Taylor

**Description:** Retrospective application for the erection of a new dwelling together with the construction of new vehicular access on land adjacent to

**Site Address:** 27 Zealand Park, Caergeiliog, Holyhead



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is being presented to the Planning and Orders Committee for determination as the proposal is contrary to policies of the Anglesey and Gwynedd Joint Local Development Plan but which the Local Planning Authority are minded to approval.

**Proposal and Site**

This is a retrospective application for the erection of a new two storey detached dwelling with the construction of a new vehicular access. Planning permission was granted previously under planning permission reference 32C192A.

The site is situated on the edge of an established residential estate which comprises of single storey, dormer bungalows and two storey properties. The application site lies outside the settlement boundary of the village of Caergeiliog as defined under Policy TAI 4 of the Anglesey and Gwynedd Joint Local Development Plan.

## Key Issues

The applications main issues are;

- i. whether the amended design is acceptable in policy terms
- ii. impact on amenities of neighbouring properties

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy TAI 4: Housing in Local, Rural & Coastal Villages

Policy TRA 2: Parking Standards

Policy AMG 5: Local Biodiversity Conservation

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 17: Settlement Strategy

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

Technical Advice Note 15: Development and Flood Risk (2004)

### Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	Recommended conditional approval
Swyddog Llwybrau Troed / Footpaths Officer	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Requested further information - following receipt of the additional information confirmed that the scheme was acceptable
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments
Polisi Cynllunio / Planning Policy	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Site situated within Zone A of the Development Advice Map (DAM) contained in TAN 15 (2004). Flood Map for Planning identifies the site to be at risk of flooding and within Flood Zone 2 Rivers. Given the limited extent and location of flood risk affecting the application site confirmed that they raised no flood risk concern.
Cynghorydd Ken Taylor	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfair yn Neubwll Community Council	No response

Iechyd yr Amgylchedd / Environmental Health	Standard comments
Ymgynghoriadau Cynllunio YGC	Site lies within zone A (Development Advice Maps accompanying TAN 15; Development and Flood Risk) which is usually considered to be at little or at no risk of flooding. However the site is shown to be at some risk of flooding in the latest flood maps for surface water. Consider that flooding is a material consideration in accordance with Section 11.1 of TAN 15.

The proposal has been advertised through the posting of a notice near the site, distribution of personal letters of notification to the occupiers of neighbouring properties and the publication of a notice in the local press. The latest date for the receipt of any representation was the 23/03/2023. At the time of writing this report four letters or representation had been received at the department. The main issues raised were:

- i. Proposal is for a four bedroomed house with a large apex roof above the garage and is not in keeping with the original approved scheme.
- ii. Increase in height will block sunlight from neighbouring properties and will be disproportionate to all other properties on the estate.
- iii. Proposal would obstruct public right of way.
- iv. Since the land was cleared adjoining property floods every year.
- v. Noise will impact those who work from home
- vi. Great Crested newts in the area which have already been disturbed.
- vii. Loss of privacy
- viii. Site lies outside development boundary.
- ix. Scale of proposal is not an affordable dwelling.

Other issues have been raised enquiring whether the land has been bought for personal use or to sell at a huge profit however this is not a material planning consideration.

In response to the issues raised I would state;

- i. There is no distinct pattern of development on Zealand Park residential estate with single storey, dormer bungalows and two storey properties located on the estate. The proposal is not similar to the previously approved scheme under planning application reference 32C192A which is the reason for the submission of the current application.
- ii. The proposed dwelling measures 8.1 metre in height. The dwelling approved under planning application reference 32C192A measured 7.4 metres in height. The height of the proposal currently under consideration is 700mm higher than that previously approved and therefore it is not considered that the proposal will result in the loss of light to neighbouring properties.
- iii. The proposal is not located on the public right of way and therefore will not restrict access to the footpath.
- iv. The principle of residential has been established on the site. A Certificate of Lawfulness has been issued that a material start has been made on the development. It is not considered that the slightly larger footprint of the proposed dwelling will result in additional flooding.
- v. Whilst it is accepted that noise will be generated during the construction phase this will be for a short period and it is not considered that this will have a detrimental impact on the amenities of the neighbouring properties.
- vi. The comments have been forwarded to the Ecological Advisor for comments. The Ecologist confirmed that given that they have previously cleared the site and have the foundation works in, an ecological survey of that specific area wouldn't bring anything up; it would only be the surrounding area where there would be biodiversity present. It would be hard to prove that GCNs were using that site previously without any surveys or evidence of that specific area.

vii. As stated previously the site has an extant permission for the erection of a dwelling on the site. Whilst the scale and design has been amended with two additional windows proposed in the rear elevation (one en-suite opening) and additional window in the master bedroom. The property is situated on the same footprint as the previously approved dwelling at the rear and front, although the garage is now located to the right of the property, and will be located 1.5 metres closer to the side of the plot which adjoins 27 Zealand Park however there are no openings on the side elevation of the proposed dwelling. Due to this above it is not considered that the proposal will result in loss of privacy more than the scheme previously approved.

viii. The site has an extant planning permission and the current proposal is to amend the scheme previously approved. The application has been advertised as a departure from current policies however due to the fall-back position the proposal is considered acceptable.

ix. As the original application was considered acceptable under Policy 50 of the Ynys Mon Local Plan there was no requirement for the proposal to be an affordable dwelling.

### **Relevant Planning History**

32C192 - Outline application for the erection of a dwelling and garage together with the construction of a new access with all matters reserved on land adjacent to 27 Zealand Park, Caergeiliog - Approved 15/05/15

32C192A - Full application for the erection of a new dwelling together with the creation of a new vehicular access on land adjacent to 27 Zealand Park, Caergeiliog - Approved 26/07/2016

LUE/2020/8 - Application for a certificate of proposed use or development in relation to a material start having been made on permission 32C192A thus safeguarding the consent on land adjacent to 27 Zealand Park, Caergeiliog - Lawful 13/07/2020

MAH/2022/7 - Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatád cynllunio 32C192 and 32C192A er mwyn diwygio yr dyluniad ar dir ger / Minor amendments to scheme previously approved under planning permission 32C192 and 32C192A so as to amend the design on land adjacent to 27 Zealand Park, Caergeiliog - Refused 05/07/2022

### **Main Planning Considerations**

The principle of the residential development of the site has already been established by an extant planning permission 32C192 and 32C192A. A Certificate of Lawfulness has been issued which confirms that a material start was made on the proposal which has secured the permission. This is an application to amend the design of the approved dwelling.

### **Joint Local Development Plan**

Since the adoption of the Joint Local Development Plan, Caergeiliog is identified as a Local Village under the provision of Policy TAI 4 where new dwellings will be approved providing that the site is situated within the development boundary and that the size, scale, type and design of the development corresponds with the settlement's character.

However, there is a fallback position of an extant planning permission for the erection of an open market dwelling on the land. Therefore the following must be considered:-

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

It is likely that the existing permission can be implemented as a material start has been made on the development.

## **Amendments**

The amendments are as follows:-

- **Amending the design of the dwelling.**

The approved design was for a dormer bungalow. The proposal currently under consideration is for the erection of a two storey dwelling, which will be 700mm higher than that previously approved and with a slightly larger footprint. The previously approved dwelling measured 10.3m long x 9m wide and 10.6m at its widest point. The proposal currently under consideration measures 12.3m long x 10m wide and 11.5m at its widest point.

Whilst the previously approved dwellings was similar to the three recently developed properties on the opposite side of the access track the current proposal will respect the scale and character of the immediate adjoining property to the north of the site known as 27 Zealand Park.

The design and materials to be used in the construction of the dwelling are considered acceptable in this location.

- **Impact on amenities of neighbouring properties.**

Four letters of representation has been received from the occupants of two neighbouring properties raising and these issues have been addressed in the publicity section above.

Whilst the side elevation of the proposed dwelling will be located closer to its boundary with 27 Zealand Park, there are no openings proposed in the side elevation. A 1.8 metre fence will be erected along the boundary of the site. There is more than 23 metres distance between the side of the proposed dwelling and the side of 27 Zealand Park.

There is a distance of 18 metres between the rear corner of the proposed dwelling and rear corner of 23 Zealand Park. At present the land to the rear of 23 Zealand Park is open with the fencing/wall located along its boundary. As stated above a 1.8m high fence will be erected along the boundary of the application site.

There is a distance of 23 metres between the front of the proposed dwelling and the front of 33 Zealand Park which lies opposite the application site.

Due to the above it is not considered that the proposal will impact the amenities of the adjoining properties any greater than the extant planning permission.

## **Conclusion**

The application is contrary to Policy TAI 4 of the Joint Local Development Plan; however there is a fallback position of an extant permission on the land which has been safeguarded with a Certificate of Lawfulness.

The amended scheme is acceptable and will not have a detrimental impact on the amenities of neighbouring properties.

## **Recommendation**

That the application is permitted subject to the following conditions:

**(01) 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.

**(02) 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.

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

**Drawing no. 2985:22:2 - Existing site plan**

**Drawing no. 2985:22:1 - Location plan**

**Drawing no. 2985:22:3d - Proposed site plan**

**Drawing no. 2985:22:5 - Proposed elevations**

**Drawing no. 2985:22:4 - Proposed floor plans**

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

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

Planning Committee: 03/05/2023

12.1

Application Reference: FPL/2023/49

Applicant: Director of Education, Skills and Young People

Description: Full application for the retention of a prefabricated building to be located on the land temporary until an additional 5 years to house two classrooms and toilets for use by pupils at

Site Address: Canolfan Addysg Y Bont, Clidwrn Road, Llangefni



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

Recommendation: Permit

Reason for Reporting to Committee

The application has been presented to the Planning and Orders Committee as the land is owned by the Council.

Proposal and Site

This is a full application for the retention of a prefabricated building to be located on the land temporary until an additional 5 years to house two classrooms and toilets for use by pupils at Canolfan Addysg y Bont, Llangefni.

## Key Issues

The Key issue is whether the extension of the permission until May 2028 is acceptable and whether the proposal will have a negative impact upon the immediate area or adjacent residential properties.

## Policies

### Joint Local Development Plan

Policy PCYFF2 – Development Criteria  
Policy PCYFF3 – Design and Place Shaping  
Strategic Policy PS19 – Conserving and where appropriate enhancing the natural environment  
Policy AMG5 – Local Biodiversity Conservation  
Strategic Policy PS4 – Sustainable transport, development and accessibility  
Policy TRA2 – Parking Standards  
Policy TRA4 – Managing Transport Impacts  
Policy ISA3 – Further and Higher Education Development

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Geraint ap Ifan Bebb	No response at the time of writing the report.
Cynghorydd Nicola Roberts	No response at the time of writing the report.
Gwasanaeth Addysg / Education Service	No response at the time of writing the report.
Dwr Cymru Welsh Water	Conditional Approval
Cyngor Tref Llangefni Town Council	Supportive of the application.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Confirmation has been received that no ecological survey is needed at this current time.

The proposal was advertised by posting individual letters to all adjacent residential properties. The expiry date to receive representations was the 28th April, 2023. At the time of writing the report no letters had been received.

### Relevant Planning History

34LPA121M/CC/ECON - Erection of a new school on land near Ysgol Gyfun Llangefni – Approved 18/10/11

34LPA121K/CC/SCR - Screening Opinion for the erection of a new school on land near Ysgol Gyfun Llangefni EIA not required 5/7/11

34LPA121R/VAR/CC - Variation of condition(05) from 34LPA121Q/CC so as to change the flue colour from green to stainless steel at Ysgol y Bont – Approved 3/4/14

34LPA121N/CC - Variation of condition (06) and (07) at Ysgol y Bont, Llangefni – Approved 8/8/12

34LPA121Q/CC - Installation of a biomass wood pellet boiler unit in connection with new school at Ysgol y Bont, Llangefni – Approved 2/8/13

FPL/2021/220 - Full application for the retention of a prefabricated building to be located on the land temporary until March 2022 to house two classrooms and toilets for use by pupils at - Canolfan Addysg Y Bont, Ffordd Cildwrn / Cildwrn Road, Llangefni – Permit 6/10/21

VAR/2022/20 - Application under Section 73 for the variation of condition (01) (Building removal and land restored to former condition before 01/04/2022) of planning permission reference FPL/2021/220 (Temporary prefabricated building) so that the building can remain on site until 31/01/2023. Canolfan Addysg Y Bont, Ffordd Cildwrn / Cildwrn Road, Llangefni – Permit 16/6/22

### **Main Planning Considerations**

This is a full application for the retention of a prefabricated building to be located on the land temporary until an additional 5 years to house two classrooms and toilets for use by pupils at Canolfan Addysg y Bont.

The prefabricated building was initially requested in order that essential extensive maintenance work could be undertaken to the roof at Ysgol y Bont. The prefabricated building enabled pupils to continue to access learning through as much face to face learning as possible whilst the essential works continued.

The essential works to the roof has now been completed; however, the Property Section has requested to retain the prefabricated building on the land for an additional 5 years during which pupil numbers will be monitored and long-term solutions to provide additional space in the school will be investigated.

### **Design and Landscaping**

The proposal is a standard portacabin building which has been located on the existing car park to the South West of Ysgol y Bont. The building measures 18.080m long x 9.880m wide and will be approx. 4.453m high at the highest point from ground level. The portacabin has a timber decking/ramp which is used to gain access to the classroom and has been sited on the existing tarmac of the car park.

### **Impact of the proposal upon the area/adjacent residential properties**

It is not considered that an extension in the temporary permission until 03 May 2028 will have any impact upon the area. Residential properties are located away from the site and the proposal will not impact upon the amenities of residential properties due to the location being a considerable distance away. The portacabin fits in with the school complex and cannot be seen unless you drive onto the school grounds. This is a temporary building must be removed on or before the 03/05/2028.

### **Conclusion**

It is considered acceptable to allow the portacabin to remain on site until 03/05/2028 in order that the Property Section can monitor pupil numbers and long-term solutions to provide additional space in the school. It is not considered that the proposal has any impact upon the area or adjacent residential properties.

### **Recommendation**

That the application is permitted subject to the following conditions:

**(01) The building shall be removed from the land in its entirety and the land shall be restored to its former condition before 03/05/2028.**

Reason: For the avoidance of doubt.

**(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 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/Block Plan - ED200-AL(20)02**
- **Proposed Floor Plan & Elevations - ED200 - AL(20) 03**
- **Proposed Foul Drainage Connection - ED200-AL(20) 05**
- **Classroom Unit – Base Set-Out – ED200-AL(20) 04**
- **Line Marking to Bus Parking**

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF3, PS19, AMG5, PS4, TRA2, TRA4, ISA3

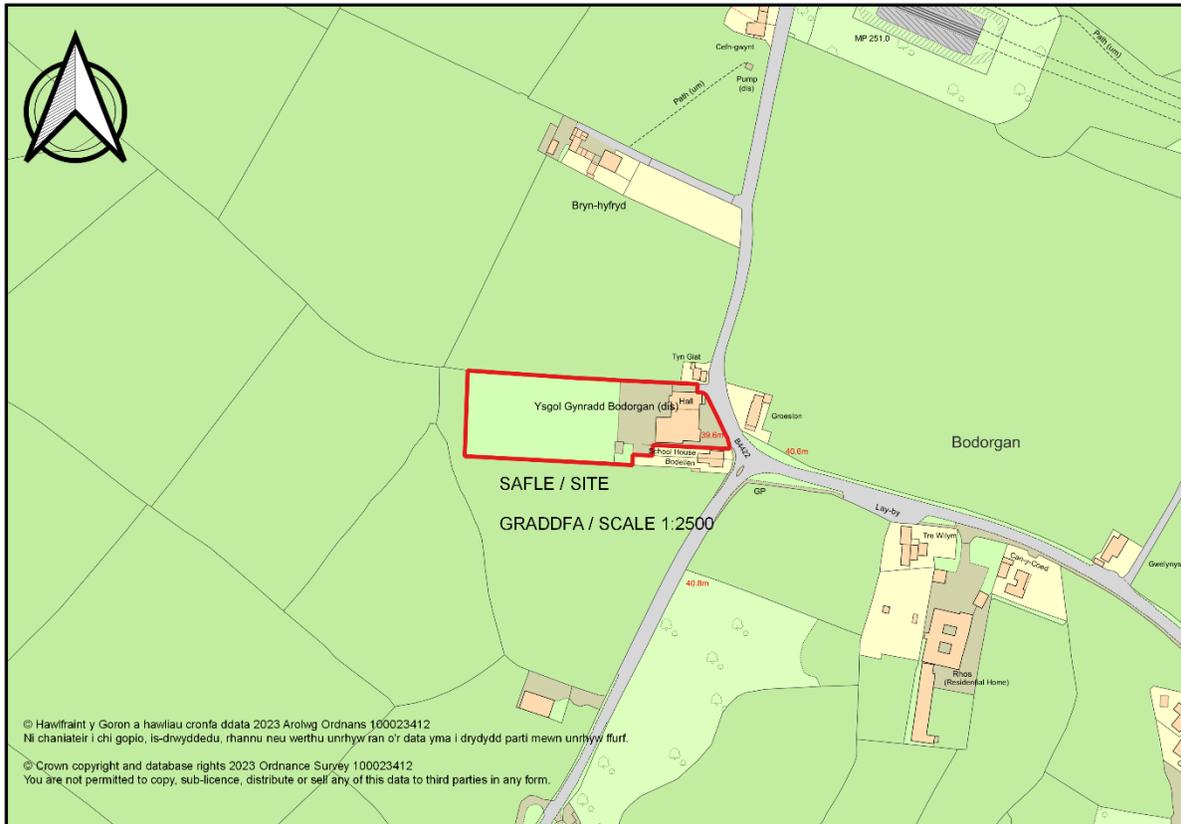
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2023/38

Applicant: Dr. Capell Aris

Description: Full application for the change of use of the former primary school into a community centre at

Site Address: Bodorgan Primary School, Bodorgan



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application is being presented to the Planning and Orders Committee as the application involves a building which is owned by the Isle of Anglesey County Council.

**Proposal and Site**

The application presented is for the change of use of the former primary school into a community centre.

The application site is the former Bodorgan Primary School, located in an open countryside location near the junction between the B4422 and the A4080 in Bodorgan.

## 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 2: Special Landscape Areas  
Policy ISA 2: Community Facilities  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts

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

Planning Policy Wales (Edition 11, February 2021)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd John Ifan Jones	No response received.
Cynghorydd Arfon Wyn	No response received.
Cyngor Cymuned Bodorgan Community Council	No response received.
Polisi Cynllunio / Planning Policy	Outlined relevant policy considerations.
Iechyd yr Amgylchedd / Environmental Health	Provided informatives for the applicant.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Requested further information regarding the parking arrangements on site. No objections as parking arrangements are to remain unchanged from the former primary school.
T Dylan Edwards	No objection to the change of use. The community use of the building has been secondary to its use as a school since around 1988. Provided background on the building and the lease agreement.
Dwr Cymru Welsh Water	Condition regarding surface water and advisory notes for the applicant.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Advice regarding biodiversity enhancements and external lighting.

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 representation was the 08/03/2023. At the time of writing this report, 26 letters of representation had been received at the department, 24 supportive comments and 2 objections.

The 24 supportive comments raised the following points:

- Space and facilities available for activities due to the multi-functional use of the building and land

- Off-road parking available and the site is easily accessible from the surrounding areas as its situated on a bus route
- Contribution to the local area providing meeting place for local social groups
- Wellbeing of local residents and alleviating rural isolation
- Bodorgan has been without a community hub for some time
- Continued use of the building since the school closed
- Promote Welsh language and culture

The two objections stated:

- Bodorgan Community Centre Trustees have an existing lease running from 1988 until 2087
- Local authority has made no contact with the charity regarding the planning application
- Malltraeth Ymlaen Cyf believed to be an unlawful organisation
- Unsuitable access off B4422, and only parking for around 30 cars

In response to these comments:

- Notice has been served on the relevant parties as part of the application
- The permission is given to the building and the use, not the applicant
- The legal issues arising are not planning considerations
- Highways Department have been consulted and raised no objections

### **Relevant Planning History**

15C28 – Extension to the community hall at Bodorgan County Primary School, Bodorgan. Approved 24/09/1987.

### **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 application site is the former Bodorgan Primary School, located in an open countryside location near the junction between the B4422 and the A4080 in Bodorgan. The site also lies within the Special Landscape Area 'Malltraeth Marsh & Surrounds'.

The proposed scheme is for the change of use of the former primary school into a community centre.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties
- iii. Special Landscape Area
- iv. Highways and Parking

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

The proposal involves the change of use of the former primary school into a community centre. No external changes are proposed as part of the development. A Community Centre has been secondary to the use of the primary school for years, with this application proposing to expand the Community Centre use to the whole site after the educational use ceased. The Isle of Anglesey County Council are the landlord and the tenant of the former primary school. Malltraeth Ymlaen has submitted an Expression of Interest and a Business Plan to Anglesey County Council to acquire the whole school for community use, and a tenancy of the school building in its entirety was completed in March 2023. The applicant has stated that the community centre will host a range of community activities such as coffee mornings, bingo

and fitness classes. The organisation also have a link to Coleg Menai and will provide education and craft training at the school.

Policy ISA 2 states that the development of new community facilities will be approved, provided that they comply with the specific criteria noted within the policy. It is considered that the proposed development will comply with the policy. It will provide an essential facility for the community of Bodorgan, using an existing building which is of an appropriate scale, and it sited in a central location for the whole community.

No external changes are proposed to the building, and it is therefore considered to have no impact upon its surrounding natural and built environment, in compliance with policy PCYFF 3.

## **ii. Impact on Adjacent Residential Properties**

The former primary school is in close proximity to neighbouring properties to the north, east and south. Given the former use of the building as a primary school, it is considered that the change of use into a community centre would have negligible impact on the neighbours in terms of noise generated or increased activity or disturbance. The proposal is therefore considered to comply with policy PCYFF 2.

## **iii. Special Landscape Area**

The site is located near the edge of the Special Landscape Area (SLA) 'Malltraeth Marsh & Surrounds'. Policy AMG 2 of the JLDP states that when considering a proposal within SLAs, there will need to be an appropriate consideration to the scale and nature of the development, ensuring that there is no significant adverse detrimental impact on the landscape. The development should aim to maintain, enhance or restore the recognized character and qualities of the SLA. Given the small scale nature of the development, and as no external changes are proposed the building, it is not considered to have any impacts upon the qualities and features of the SLA.

## **iv. Highways and Parking**

Policy TRA 2 states that parking provision for all modes of transport should be in accordance with the Councils' Parking Standards. Policy TRA 4 states that proposals that would cause unacceptable harm to the safe and efficient operation of the highway will be refused. No changes are proposed to the parking arrangements or access of the site since the former school closed, and it is considered that there is ample space for parking within the site to accommodate the proposed use. The Highways Department have no objection to the proposal which is considered to comply with the relevant transport policies in the JLDP.

## **Conclusion**

This is an application to change the use of the former Bodorgan Primary School into a community centre. The proposed development involves no external changes to the building and will provide a facility for the local community to convene. Given the previous use of the site as a primary school, it is considered that the impact of the proposed use upon its neighbouring properties would be negligible, in compliance with all relevant policies of the JLDP.

## **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:**

- **Location plan - received 08/02/2023**
- **Proposed floor plan**

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

**(03) 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.

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 2, ISA 2, PCYFF 2, PCYFF 3, TRA 2, TRA 4

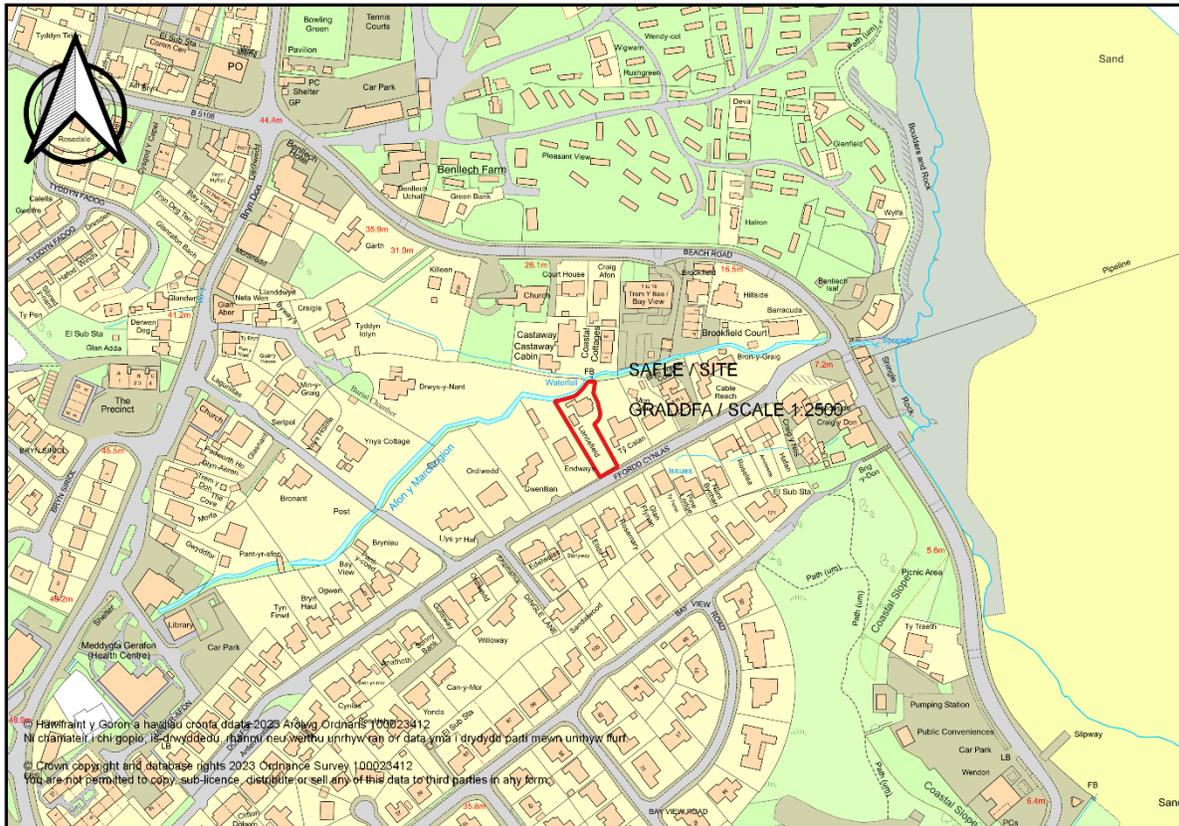
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: HHP/2023/51

Applicant: Mr. Steven Lomas

Description: Full application for demolition of the existing garage together with the erection of a two storey annexe at

Site Address: Lancefield, Ffordd Cynlas, Benllech, Tyn Y Gongl



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is called to the Planning and Order Committee at the request of the Local Member on the grounds of over-development of the site and adverse impact on the neighbours' amenities.

**Proposal and Site**

The proposal is for a new two storey pitched roof attached annexe west of the main detached 2 storey property of Lancefield, Benllech.

## 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 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy TRA 2: Parking Standards  
Policy AMG 5: Local Biodiversity Conservation

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

### Planning Policy Wales – Edition 11 (February 2021)

### Response to Consultation and Publicity

Consultee	Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Over-development, concerns of local infrastructure capacity (physical and social), and use of the annex as a summer house in the future.
Cynghorydd Ieuan Williams	Galw mewn i Pwyllgor
Cyfoeth Naturiol Cymru / Natural Resources Wales	No Observations
Draenio Gwynedd / Gwynedd Drainage	No Observations
Dwr Cymru Welsh Water	Condition and Advisory Notes provided
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Observations
Cynghorydd Euryn Morris	No Response
Cynghorydd Margaret Murley Roberts	No Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	Parking Arrangements and CTMP requested and received.
Iechyd yr Amgylchedd / Environmental Health	Observations

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 10/05/2023. At the time of writing this report, 2 letters of representation and 4 web comments of representation had been received at the department. The main comments can be summarised as follows:

- Concerns regarding the removal of two mature trees at the site
- Works on the boundary of the site effecting neighbouring property
- Future use of the property
- Future use of the Annexe as a separate independent dwelling or holiday let
- Inaccuracies in the application documentation

- Scale of Development – much larger / wider than existing garage and two storey with significant glazing. Closer to the boundary than existing garage.
- Out of Keeping / Character with the area
- Detrimental impact to residential amenity of neighbouring properties due to proximity to boundary, scale, noise and increased vehicle movement
- Drainage concerns with additional occupants at the site
- Concerns of local infrastructure capacity (physical and social)

In the response to the comments received for this application a Justification Statement was requested and received by the agent of the application. The application was also amended in its design and siting after comments raised. Consideration has been given to the concerns raised and the objections received have been taken seriously. A response to the summarized comments above have been briefly stated below:

- The trees removed are within the curtilage of the proposal property and are not protected by a Tree Preservation Order
- The planning application does not include proposed works at the west boundary of the site. A 2.2m high fence is to be erected 200mm proud of existing fence at the east boundary of the site.
- Future Use - We have to deal with the planning application as submitted, the planning application will be determined in accordance with the information submitted to us.
- The application received is for an annexe ancillary use to main property, not an independent dwelling. A Justification statement has been received as part of the application. We must deal with planning applications as submitted we are not able to speculate the use of the annexe will be any different to submitted.
- The existing vehicular access is to be retained and the existing substantially sized vehicular parking area at the site is also to be retained.
- Residential amenity - The case officer has visited the neighbouring properties internally and externally to analyse different viewpoints. The first floor plan has been reduced slightly and the whole placement of the annexe has been set back within the site to extend less from the main dwelling (Lancefield) front elevation than previous site plan.
- The annexe is labelled as approx. 1m smaller in height than the main property at approx. 5.4m height, Length 10.62m and width 5m (at its widest). It is considered that the annexe is subservient to the main property in scale and size and not considered an overdevelopment of the substantially sized residential site.
- Dwr Cymru have been consulted and have provided a condition.

### **Relevant Planning History**

30C537 - Addasu ac ehangu yn / Alterations and extensions to - Lancefield, Ffordd Cynlas, Benllech. Caniatau / Permitted 24/12/2003

30C537A - Cynlluniau llawn ar gyfer codi annedd ynghyd a chreu fynedfa newydd yn/Full plans for the erection of a dwelling together with the construction of a new access at - Lancefield, Ffordd Cynlas, Benllech. Tynnwyd yn ol / Withdrawn

30C573B - Codi modurdy ynghyd a chreu fynedfa newydd i gerbydau yn / Erection of a garage together with the construction of a new vehicular access at - Lancefield, Ffordd Cynlas, Benllech. Caniatau / Permitted 01/12/2004

30C537C - Dymchwel modurdy integrol presennol ynghyd a chodi annedd gyda modurdy a chreu mynedfa newydd i gerbydau yn / Demolition of existing garage together with the erection of a dwelling with integral garage and construction of a new vehicular access at - Lancefield, Ffordd Cynlas, Benllech. Caniatau / Permitted 05/04/2005

30C537D - Cais diwygiedig ar gyfer codi annedd ar dir ger /Amended application for the erection of a dwelling on land adjoining - Lancefield, Benllech 04/01/2006

HHP/2022/186 - Cais llawn ar gyfer addasu ac ehangu yn / Full Application for alterations and extensions at - Lancefield, Ffordd Cynlais, Benllech, Tyn Y Gongl - Caniatáu / Permit 18/08/2022

### **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. The accuracy of the plans received for this application and previous applications have come in to question. The agent has been contacted regarding these concerns and the plans amended accordingly to ensure the proposal is displayed accurately.

### **Location/Siting:**

The proposal is for a new two storey pitched roof annexe at a similar siting to an existing detached single storey garage currently west of the main detached 2 storey property of Lancefield, Benllech. The property is located within the residential street of Ffordd Cynlais within the coastal town of Benllech. The property has an L-shaped curtilage with a small rear garden towards the bordering River/waterfall and a substantially large front garden and driveway with no immediate neighbours towards the front elevation of the property. A previous application for an annexe was withdrawn recently with this new proposed amended design received.

There are immediate detached neighbours at either side elevations of the property with the site topography sloping from west to east. The residential street is sloping down to the east towards the beach with various ground level differences between residential properties. Due to the sloping nature of the site a Streetscape Section was requested and received by the agent of the application to provide a visual plan displaying how the annexe will stand within the street setting. The Streetscape Section A-A displays the Annexe to be subservient in size and scale to the main property with a lower roof line than the main Lancefield property. 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 a similar footprint to existing structure (Garage) at the site.

Annexes are designed to be in keeping with the main dwelling and located as near as possible to the main dwelling. The initial siting of the proposed annexe has been amended from the initial design to be placed further back within curtilage of the property to adjoin the main dwelling. This is to reduce any detrimental impact to adjacent neighbouring properties and the design has also been amended in the interest of residential amenity as detailed below. The proposed annexe will also have the same highway access as the main property and will share the same driveway, ensuring that the annexe is incidental to the main property known as Lancefield.

Policy TRA 2 stipulates that parking provision for all modes of transport should be in accordance with the Councils' Parking Standards. It is considered the existing hardstanding/driveway at the site will provide adequate additional parking at the site, in line with Policy TRA 2.

### **Design / Justification:**

The proposed self-contained annexe is to be two storey and is to include a first floor living/kitchen/dining space with a W.C and Cloakroom. The ground floor will include one bedroom with cupboard, Bathroom, Hallway and a Store Room. Confirmation has been received by the applicants that the proposed annexe will be incidental to the main dwelling and will be for family use only. For the avoidance of doubt ancillary use of annexe has been conditioned as part of this decision, condition (05).

A statement has been provided by the applicant justifying the proposed annexe and the Local Planning Authority is satisfied with the justification provided. The planning department must accept applications as presented and based on the information provided as part of a planning application.

The original design included a two storey pitched roof design with a cladded rendered first floor, a blank south west elevation, 2 north west rear elevation windows, significant glazing at the front (North east elevation) and significant glazing and door access at the North East Elevation . After initial consultation the proposed scheme was reduced slightly in scale with a smaller 1st floor to avoid a blocking in effect to neighbouring property and reduce impact of any loss of light. The proposed scheme was also amended in its style to reduce the overall visual impact of the proposal.

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.

The proposal is aspirational in style but in keeping with its surroundings and the character of the existing property complying with policy PCYFF 3. The roof is to be pitched slate roof as existing property and approx 1m lower in height than the main dwelling. The development is to make use of modern, high quality materials and will complement the existing property and the surrounding area. 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:**

Due to the residential setting of the property the proposed alterations are a shorter distance than the Indicative Minimum Distances noted in SPG Guidance Note 8: Proximity of Development. Therefore careful consideration must be taken to determine any detrimental impact to neighbouring properties with this proposal.

The large scale glazing proposed has been reduced from initial scheme to avoid overlooking issues at the site towards neighbouring properties. The siting is at a previously developed land of the siting of the existing garage which is to be demolished. Policy PCYFF 2 states that planning permission will be refused where the proposed development would 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.

Condition (06) is to be included with this recommendation of approval for obscure glazing to be placed at the rooflight window on the South West Elevation (facing neighbouring property) to avoid any potential overlooking introduced at the site to nearest neighbouring property.

To also avoid potential overlooking issues arising at the east side neighbouring property additional screening has been implemented within the designs of a new 2.2m high fence 200mm proud of the boundary line of the neighbouring property to ensure privacy is to be maintained to all parties.

The proposed annexe has a 1st floor living area with bedroom on the ground floor. With the amended reduced scale glazing it will reduce any potential of overlooking. The ground level will be well screened within the site of property by the well-defined boundary at the site. The new 1st floor glazing does not significantly increases the overlooking impact of the main dwelling, which has previous planning permission granted for Juliette balcony dormer roof windows at its front elevation, towards neighbouring properties.

With the amendments requested and received of the location and design of the annexe from the agent of the application it is considered, on balance, that the proposal will not have any negative impact upon to the amenities of adjacent residential properties and the proposal therefore complies with Policy PCYFF2 of the JLDP.

### **Biodiversity Enhancement / Sustainability:**

In accordance with the requirements of the Environment Wales Act (2016) for developments to show biodiversity enhancement Schwelger Swift Terrace Bird Boxes are to be placed at the site. This has been requested to agent and implemented in Proposed Drawings received by agent. This promotes the resilience of ecosystems, so far as consistent with the proper exercise of those functions complying with Policy AMG 5: Local Biodiversity Conservation.

Due to the inclusion of new energy efficient systems, construction techniques and insulation materials it is considered the dwelling will be environmentally sustainable. The proposed plans display new solar panels to be placed on the roof of the South West Elevation providing a sustainable energy source for the occupants of the annexe.

### **Conclusion**

It is considered that the proposal complies with the JLDP policies. The proposed annexe will be high quality and on balance will not have a significant negative impact on the area or detriment upon adjacent residential properties. There are a variety of different types and sizes of dwellings in the immediate area and it is considered that the proposal will fit in with the general form of new developments in the immediate area.

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. It is considered that the overall design for the proposed scheme complies with the relevant planning policies and the recommendation is one of approval.

### **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.**

- **D918.06 Rev A - Proposed Site Plan**
- **D918.07 Rev A - Proposed Floor Plans, Elevations & Sections**
- **D918.08 - Proposed 3D Views**
- **D918.09 - Proposed Streetscape Section**
- **Construction Traffic Management Plan - Lancefield, Ffordd Cynlas, Benllech, April 2023**

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

**(03) Demolition or construction works shall not take place outside the hours of 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays and at no time on Sundays or Public Holidays.**

Reason: To protect the amenities of nearby residential occupiers.

**(04) 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 should be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The Lighting Scheme shall be designed to maximise energy efficiency and to prevent light pollution. 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

**(05) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on land outlined in red on the location plan submitted under planning application reference HHP/2022/244**

Reason: For the avoidance of doubt

**(06) Prior to the occupation of the extensions hereby approved the window on the proposed south west elevation as labelled on the drawing D918.07 – Proposed Floor Plans, Elevations & Section, shall be Non-opening and 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

**(07) 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.

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, PCYFF 2, PCYFF 3, TRA 2, AMG 5

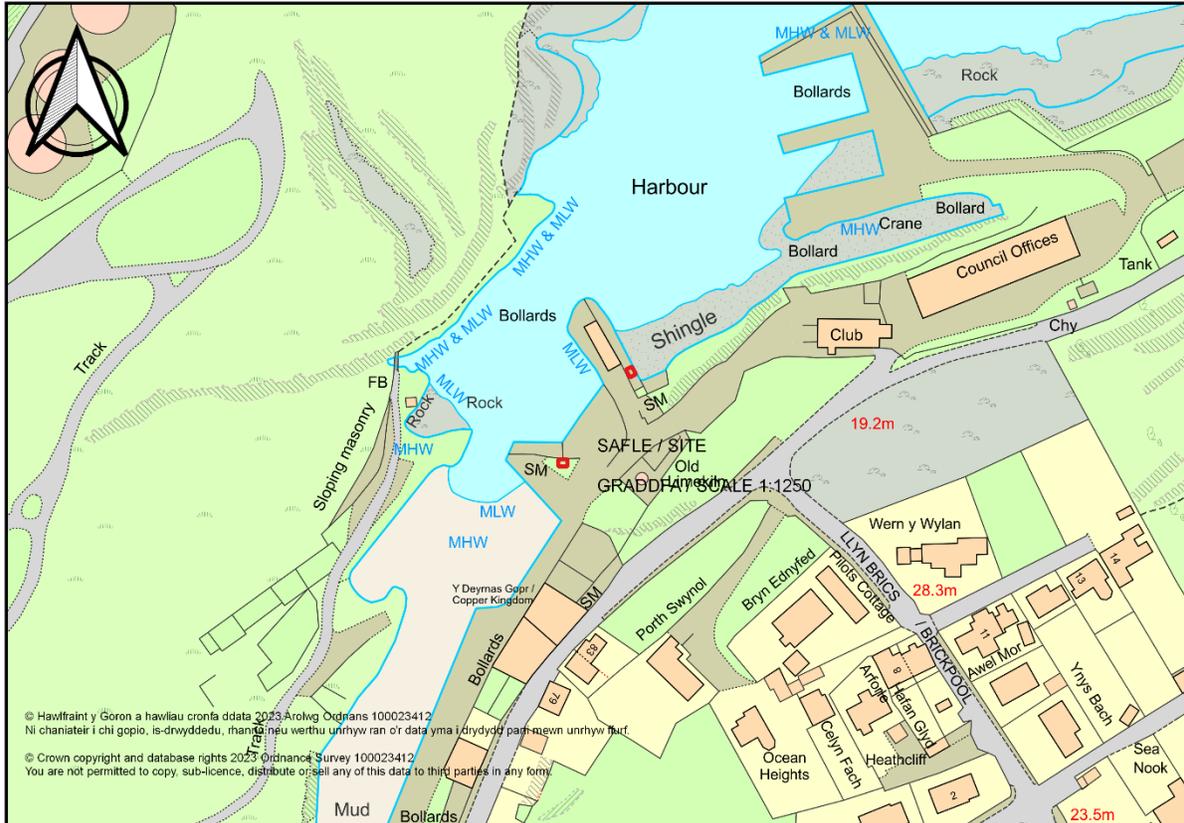
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: ADV/2023/6

Applicant: Head of Regulation and Economic Development

Description: Application for the replacement of interpretation sign at

Site Address: Amlwch Watchtower, Amlwch.



**Report of Head of Regulation and Economic Development Service (Cai Gruffydd)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is presented to the Committee as it is an application being made by the Isle of Anglesey County Council.

**Proposal and Site**

The application site is adjacent to the Amlwch Watchtower, within the development boundary of Amlwch as defined by the Joint Local Development Plan.

The application presented is for an information monolith replacing board, which will highlight the port's historic assets.

## 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, roads, or the surrounding Conservation Area.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Strategic Policy PS 1: Welsh Language and Culture

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

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
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objections.
Cynghorydd Derek Owen	No response.
Cynghorydd Aled Morris Jones	No response.
Cynghorydd Liz Wood	No objections.
Cyngor Tref Amlwch Town Council	No response.
Ymgynghorydd Treftadaeth / Heritage Advisor	No objections.

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 03/05/2023. At the time of writing this report, no letter of representation had been received at the department.

### Relevant Planning History

11C431/AD - Codi panel dehongliad statig ger / Erection of a static interpretation panel adjoining The Watchtower, Harbwr Amlwch Harbour, Porth Amlwch Port. Caniatau / Permitted - 07/05/2004.

11LPA917/CC - Gwelliannau amgylcheddol i / Environmental improvements to Porth Sgwar Amlwch a Glan yr Harbwr / Amlwch Port Square & Harbourfront, Porth Amlwch Port. Caniatau / Permitted - 17/12/2009.

11LPA917B/AD/CC - Cais ar gyfer lleoli panel dehongli ar dir yn / Application for the siting of an interpretation panel on land at Sgwar Porth Amlwch / Amlwch Port Square, Porth Amlwch Port. Tynnwyd yn ôl / Withdrawn.

11C555/LB - Caniatad Adeilad Rhestredig ar gyfer adnewyddu'r twr gwylio rhestredig gradd II, gosod 3 ffenestr to cadwraeth a darparu mynedfa gwydr i ymwelwyr yn yr agoriad presennol yn / Listed Building Consent for the refurbishment of the grade II listed watch tower, installation of 3 conservation roof lights and provision of a glazed visitor entrance in existing opening at The Watchtower, Porth Amlwch Port. Caniatau / Permitted - 05/10/2010.

11C564 - Gosod cloc craig daearegol yn y ddaear ar dir ger / Installation of a geological rock clock in the ground on land adjacent to The Watchtower, Porth Amlwch Port. Caniatau / Permitted - 06/04/2011.

11C564A/AD - Codi bwrdd dehongli ar dir ger / Erection of an interpretation board on land at The Watchtower, Porth Amlwch Port. Caniatau / Permitted - 06/04/2011.

### **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 Conservation Area, roads, or any neighbouring properties.

The applications' main issues are:

- i. Siting and Design.
- ii. Impact on amenities, neighbouring properties, and roads.
- iii. Impact on the Conservation Area.

### **Proposal and Site:**

The application site is adjacent to the Amlwch Watchtower, within the development boundary of Amlwch as defined by the Joint Local Development Plan. The application presented is for an information monolith replacing board, which will highlight the port's historic assets.

### **Sign Detail:**

The interpretation board will be 1.8 meters height and 0.6 meters in width. The depth of the board will be 0.3 meters. The materials used on the sign will be folded metal structure featuring a copper finish. In addition, digitally printed vinyl graphics will be applied to the face of the board with a gloss laminate finish.

### **Siting and Design:**

Policy PCYFF3 states that the proposal must be expected to demonstrate a high quality design and should complement and enhance the character and appearance of the site.

The siting is considered acceptable given that the proposed development is situated far enough away from the public road. There is no illumination on the sign, therefore it is not considered an overt distraction to road users. The design and appearance is considered acceptable given the design is using high quality materials. The scale of the development is considered acceptable given that the scale does not have a negative visual impact on the surrounding area.

### **Impact on amenities, neighbouring properties, and roads:**

Consideration has been given to the requirements of Policy PCYFF2: Development Criteria to ensure that the development does not have a negative impact upon 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.

The sign will not have a large visual impact therefore the erection of the new sign is appropriate to this area. It will integrate well into its place under the Amlwch Watchtower. In addition, the replacement sign will modernize the existing sign, and is not a distraction to drivers as it is set back from the main road.

#### **Impact on the Conservation Area:**

The sign will be located inside the Amlwch Conservation Area. Policy AT1 of the JLDP states that proposals within or affecting the setting and/or significant views into and out of Conservation Areas must have regards to the Conservation Area Character Appraisals.

The scale of the proposed development will not have an adverse impact upon the character of the Conservation Area given the scale of the development is small.

#### **Importance of the Welsh language:**

Policy PS 1: Welsh Language and Culture states we will promote the use of the Welsh language by, "requiring a bilingual Signage Scheme to deal with all operational signage in the public domain that are proposed in a planning application by public bodies and by commercial and business companies."

The sign has operational signage therefore it is important that the information is bilingual. There is Welsh and English information on the sign therefore it conforms with Policy PS 1.

#### **Conclusion**

The proposal is a small scale development to provide a heritage interpretation board adjacent to the Watchtower in Amlwch. It is of an appropriate design and scale to ensure integration into the site and no impact upon neighbouring properties, roads, or the Conservation Area. It will be informative, accessible to all, and is considered to comply with the relevant policies of the Joint Local Development Plan.

#### **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.**

- Location plan – 1:500.
- Location plan – 1:2500.
- Proposed signage.

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

##### **(03) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**

Reason: In the interests of visual amenity.

**(04) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

Reason: In the interests of amenity.

**(05) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**

Reason: In the interests of amenity.

**(06) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: In the interests of amenity.

**(07) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).**

Reason: To ensure that the siting and design of the sign will be satisfactory from an amenity point of view and to comply with the requirements of the Highway Authority in the interests of the safety of vehicular and pedestrian traffic.

**(08) No work shall commence until full details of the wording and appearance of the sign has been submitted to and approved in writing by the Local Planning Authority. The work shall thereafter proceed in accordance with the approved details.**

Reason: To ensure the development is in keeping with the surrounding area and in accordance with Welsh Language requirements.

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, AT 1, PS 1.

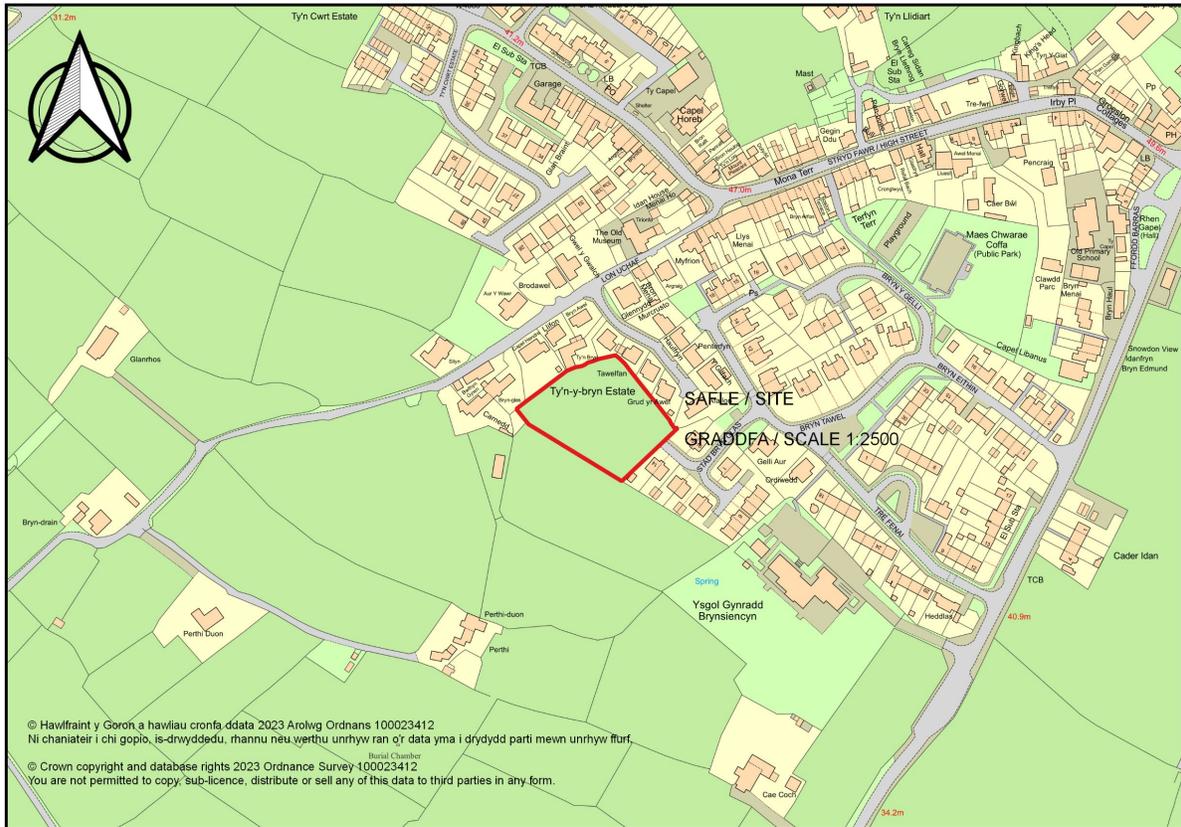
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: MAO/2023/2

Applicant: Clwyd Alun Housing Association

Description: Minor amendments to scheme previously approved under planning permission FPL/2022/46 (erection of 12 dwellings together with the creation of an internal access) so as to allow amendments to the design and boundary treatment at

Site Address: Land near Bryn Glas Estate, Brynsiencyn



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The application is reported to the planning committee as the original consent was determined by the committee.

**Proposal and Site**

The application site includes valid permission for the construction of 12 dwellings together with creation of a new access road which will lead from existing Stad Bryn Glas estate to the south east. The application

site currently comprises of an area of undeveloped land and is bounded by residential properties to the north, east and west with agricultural land located to the south.

The land is located within the settlement boundary of Brynsiencyn as identified within the Joint Local Development Plan (JLDP).

The consent consists of a mixture of single and two storey dwellinghouses across the site with various number of bedrooms. The majority to the dwellinghouses are semi-detached properties together with a detached unit and a row of three dwelling terrace. All units are provided with designated parking and private amenity spaces. As part of the permitted scheme a public open space will located to the north west.

This application is made for minor amendments to the approved scheme.

### **Key Issues**

The key issues are whether or not the proposed amendments can be consider minor in nature in line with Welsh Government guidance.

### **Policies**

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

Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping

### **Response to Consultation and Publicity**

There is no statutory public requirement for minor amendment applications.

### **Relevant Planning History**

FPL/2022/46 - Full application for the erection of 12 dwellings together with the creation of an internal access road and associated works on -Land near Bryn Glas Estate, Brynsiencyn - Permit

### **Main Planning Considerations**

The Welsh Government have published "Planning Guidance: Approving Non-material amendments to an Existing Planning Permission" which is helpful in setting out the "starting point" in determining what may be deemed as being "non-material". It states:

"2.6 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as non-material amendment, local planning authorities may wish to consider the following tests:

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

2.7 The tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendments is non-material depending on the circumstances of each case.

Planning permission for the 12 dwellings was initially granted on 23.01.2023 under planning permission reference FPL/2022/46 and as such it is considered the policy context remains the same.

This application is seeking an amendment to the approved plans as following;

- Reduction in cladding to rear of dwellings.
- Removal of retaining walls in rear gardens in line with Welsh Government Guidance
- Internal amendments to 4 bed dwelling

The proposed amendment is considered non-material in nature and it is not considered that the proposed amendments are of such significance as to cause an impact different to that caused by the development originally approved. The 4 bed dwelling will be amended by altering the ground floor layout as such that the previous bedroom will become a living. Living rooms are considered primary rooms under the Supplementary Planning Guidance Design Guide whilst bedrooms are secondary and therefore more distance is required to the neighbouring property. Despite this, the proposal still conforms effectively with the SPG and as such would not cause an impact different to the originally granted scheme.

Having considered the above and all other material considerations my recommendation is that the proposed alterations are deemed to be non-material and therefore be approved under Section 96A of the Town and Country Planning Act 1990. This decision should be read in conjunction with the conditions imposed on planning permission VAR/2020/61.

### **Conclusion**

The proposed changes are minor in nature and therefore the department recommend approval of the scheme.

### **Recommendation**

To amend the previous consent.

Application Reference: FPL/2022/219

Applicant: Head of Housing Services

Description: Full application for the change of use on ground floor from communal lounge to extension to flat above at

Site Address: 1, Lon Deg, Holyhead



**Report of Head of Regulation and Economic Development Service (David Parr-Sturgess)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The Isle of Anglesey County Council are the applicants and owners of the land.

**Proposal and Site**

The application site is located along Lon Deg within the development boundary of Holyhead as defined by the Joint Local Development Plan. The existing two storey detached building has a communal lounge on the ground floor and a residential flat on the first floor.

The application is for the change of use of the ground floor communal lounge to be an extension of the existing residential flat above so as to make the entire building one residential accommodation together with alterations to the exterior of the building and the erection of a metal shed.

### **Key Issues**

The applications key issues are if the proposed change of use complies with current policies, has a negative impact on the community facility, existing residential flat and neighbouring residential properties.

### **Policies**

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

ISA 2 – Community facilities  
 PS5 – Sustainable development  
 PCYFF2 – Development Criteria  
 PCYFF3 – Design and Place Shaping  
 PCYFF4 – Design and Landscaping

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**

<b>Consultee</b>	<b>Response</b>
Cynghorydd Jeff M. Evans	No observations received to date
Polisi Cynllunio / Planning Policy	Advised that policies ISA2, PS5, PCYFF2, PCYFF3 and PCYFF4 be considered
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No comments to make on the application and had advice for applicant.
Cynghorydd Pip O'Neill	No observations received to date
Cyngor Tref Caergybi / Holyhead Town Council	No objections to planning application
YGC (Ymgynhoriaeth Gwynedd Consultancy)	No observations received to date

### **Publicity:**

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties with the expiry date for receiving representations was the 15/03/2023. At the time of writing this report no letters have been received.

### **Relevant Planning History**

No planning history

### **Main Planning Considerations**

The application is submitted by the councils Head of Housing Services for the change of use of the ground floor communal lounge to be an extension of the existing residential flat above so as to make the

entire building one residential accommodation together with alterations to the exterior of the building and the erection of a metal shed.

The main planning considerations are if the proposed change of use complies with current policies, has a negative impact on the community facility, existing residential flat and neighbouring residential properties.

### **Main Planning Considerations**

- (i) Loss of community facility and change of use into part of existing residential flat
- (ii) Impact on neighbouring properties

#### **(i) Loss of community facility and change of use into part of existing residential flat**

Policy ISA 2 of the Joint Local Development Plan relates to community facilities and how they should be retained, enhanced and new facilities encouraged. The policy states the loss or change of use of community facilities should be resisted unless:

*i. a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or*

*ii. it can be demonstrated that the facility is inappropriate or surplus to requirements,*

As part of the application the applicant has confirmed in writing that a consultation process has been carried out with the residents of the local area to assess their opinion on terminating the use of the communal lounge and its change of use into accommodation. The local residents had no objection to the proposed loss of the community facility. The applicant also confirmed that refurbishment works have been carried out at the communal lounge at Cae Gwyn, Treseifion with this facility available for residents who wish to organise or participate in events. The facility at Cae Gwyn is accessible through public means of transport.

The proposed change of use of the ground floor communal lounge into an extension of the existing residential flat above will increase the floor area of the residential accommodation and provide more privacy for the occupant of the flat.

The proposed change of use of the ground floor communal lounge into an extension of the first floor residential flat is considered acceptable with the community facility being surplus to requirement, complying with planning policy ISA2 with the proposed use providing an increase of floor space and privacy for the occupant.

#### **(ii) Impact on neighbouring properties**

The proposed development proposes the removal of a ground floor bathroom window and the construction of a new door on the North Eastern elevation together with the erection of a small metal shed to the North Western elevation. The new door opening will be screened from view from the neighbouring property by the existing garage building.

The proposed new door and metal shed are considered acceptable as they do not have a negative impact on the existing dwelling and would not overlook neighbouring properties or their gardens complying with policies PCYFF2 and PCYFF3.

### **Conclusion**

It is not considered that the proposed change of use of the communal lounge into an extension of the existing residential flat will impact the existing building, neighbouring dwellings and community. It is considered that the overall proposed scheme complies with relevant planning policies and the recommendation is one of approval.

## **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.**

- **Site Location Plan – D924.01 – Revision A – Dated 07/11/2022**
- **Proposed Floor Plan – D924.05 – Revision F – Dated 10/02/2023**
- **Proposed Elevations – D924.06 – Revision A – Dated 25/07/2022**

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: ISA2, PS5, PCYFF2, 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.