



**Planning Committee: 07/12/2016**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of the Local Member.

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

Members will recall that at its meeting held on the 2<sup>nd</sup> November, 2016 it was resolved to approve the application contrary to officer recommendation on the following grounds;

i) Proposal complies with Policy 50 of the Ynys Mon Local Plan.

In response to the above I would state as follows:

Policy 50 of the Ynys Mon Local Plan states that planning permission will normally only be granted for single dwellings within or on the edge of the following villages and hamlets:-

... Llangadwaladr...

provided that a proposal would not harm the physical or social character of the area, bearing in mind the following criteria:-

1. The proposal is clearly within, or forms a reasonable minor extension to the existing developed part of the settlement, and would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality....

The proposed dwelling lies more than 50 metres away from the adjoining property known as Llinan. There is a distance of 71 metres between the corner of the proposed dwelling and the front elevation of Llinan.

The developed part of Llangadwaladr lies to the east of the application site. The built up form of the village consists of the cluster of dwellings that lie close to the junction of the A4080 with the Class III highway which leads towards Bethel. This cluster of 11 properties form the built up area of the village and the application lies 130 metres away from gable of the property known as Llwyn Onn which lies on the edge of the built form of the village. Due to these distances between the application site and built up area of Llangadwaladr the proposal is not an acceptable extension to the village and does not constitute an 'infill' development and therefore the proposal conflicts with Policy 50 of the Ynys Mon Local Plan.

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

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

## **1. Conclusion**

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

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

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

## **2. Recommendation**

### **Refuse**

(01) The plot is separate from the hamlet of Llangadwaladr and the development of a dwelling in this location would constitute an undesirable intrusion into the landscape, which is designated an Area of Outstanding Natural Beauty, contrary to Policies A3, D1 and D29 of the Gwynedd Structure Plan, Policies 1, 30, 42, 48 and 50 of the Ynys Mon Local Plan and Policies GP1, GP2, EN2 and HP5 of the Stopped Unitary Development Plan, together with the advice contained within Planning Policy Wales (9<sup>th</sup> Edition).

(02) The local planning authority consider that the proposal would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of agriculture or forestry; the development would therefore be contrary to the approved Policy A6 of the Gwynedd Structure Plan, Policy 53 of the Ynys Mon Local Plan and advice contained within Planning Policy Wales (9<sup>th</sup> Edition).

7.2

Gweddill y Ceisiadau

Remainder Applications

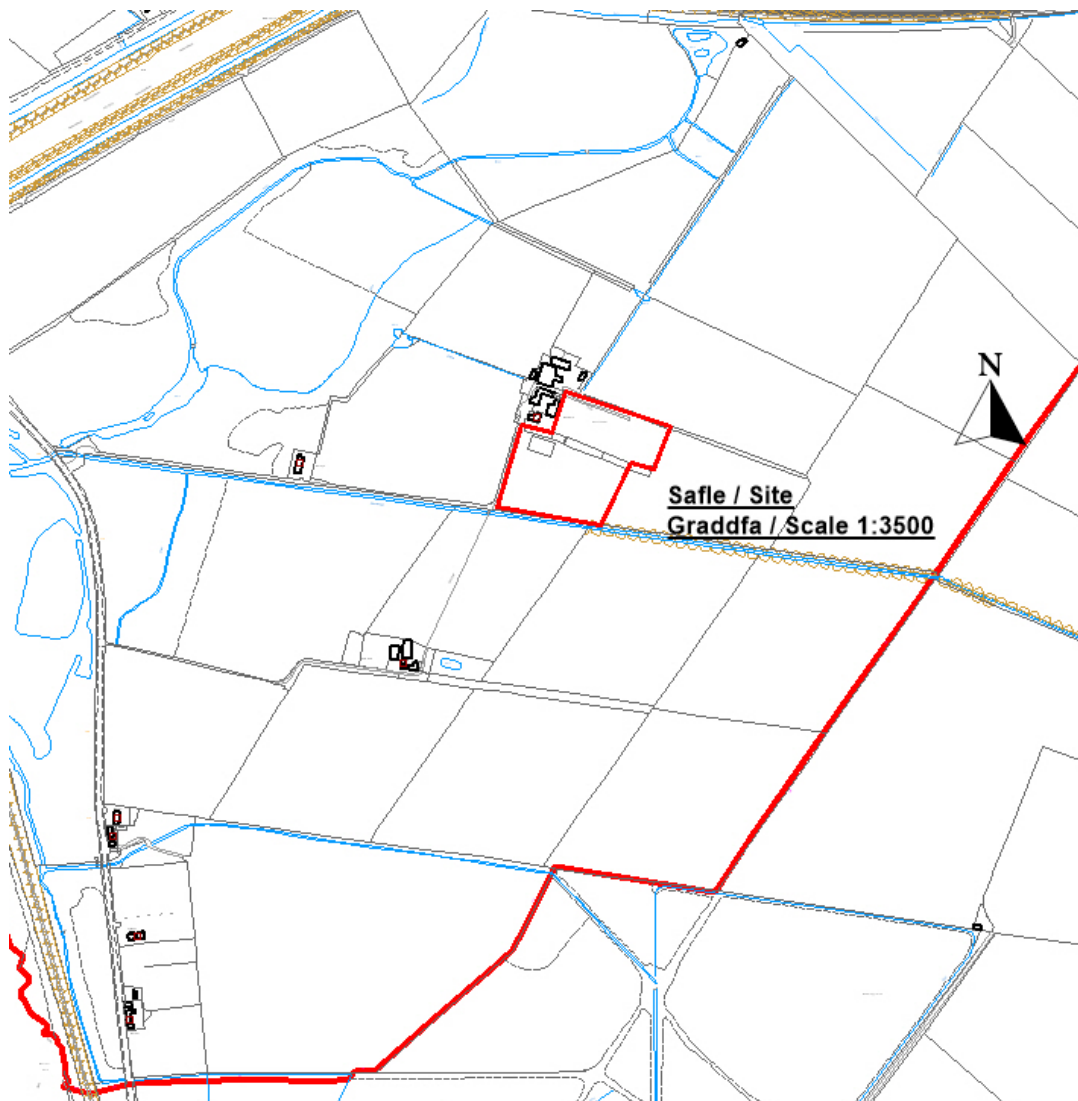
Rhif y Cais: **15C30H/FR** Application Number

Ymgeisydd Applicant

**Mr Jeff Hughes**

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

**Pen y Bont Farm Touring & Camping, Malltraeth**



**Planning Committee: 07/12/2016**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

At the request of the Local Member - Councillor P Rogers.

At its meeting held on the 2<sup>nd</sup> November, 2016 the Members resolved to undertake a site visit prior to determining the application. The site was visited on the 16<sup>th</sup> November, 2016 and the Members will now be familiar with the site and its setting.

**1. Proposal and Site**

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

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

**2. Key Issue(s)**

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

**3. Main Policies**

**Ynys Môn Local Plan**

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

**Gwynedd Structure Plan**

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

**Stopped Unitary Development Plan**

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

Policy TO6 – Touring Caravans  
Policy SG2 – Development and Flooding

**Planning Policy Wales, 2016, 9<sup>th</sup> Edition**

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

**Technical Advice Note 12 – Design**

**Technical Advice Note 15 - Development and Flood Risk**

**4. Response to Consultation and Publicity**

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

**Local Member, Cllr A Griffith** – No response to date

**Community Council** – No response to date

**Highway Authority** – No recommendation

**Drainage Section** – Insufficient drainage facilities

**Welsh Water** – Standard comments

**Natural Resource Wales** – Object

**Environmental Health** – Standard comments

**Response from members of the public**

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

**5. Relevant Planning History**

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

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

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

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

15C30D – Siting of 10 additional touring caravan pitches within existing site boundary together with the change of use of adjoining agricultural land to accommodate a further 8 pitches for seasonal use (1 April to 30 September each year) and alterations to the existing vehicular access at Pen y Bont, Malltraeth – Approved 16/12/02

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

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

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

## **6. Main Planning Considerations**

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

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

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

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

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

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

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

**Flooding** – The proposal is situated within a zone C1, as defined by the development advice map (dam). Natural Resource Wales have stated in their response that their flood map information, which is updated on a quarterly basis, confirms the site to be within the extreme flood outline.

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

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

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

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

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

and

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

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

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

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

## **7. Conclusion**

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

## **8. Recommendation**

### **Gwrthod**

(01) The application site is located within zone C1, as defined by the Development Advice Maps referred to under Technical Advice Note 15 'Development and Flood Risk' (July 2004). The proposal is therefore contrary to Policies 1 and 28 of the Ynys Môn Local Plan and Policies GP1 and SG2 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (9<sup>th</sup> Edition) and Technical Advice Note 15 – Development and Flood Risk (July 2004).

(02) The proposal will impact upon the openness of the area, which is designated as a Site of Special Scientific Interest potentially affecting its ornithological interest. The proposal is therefore contrary to Policy 12 and 33 of the Ynys Môn Local Plan and Policy TO6 and EN6 of the sopped Unitary Development Plan and the advice contained within Planning Policy Wales (9<sup>th</sup> Edition).





## **Planning Committee: 07/12/2016**

### **Report of Head of Planning Service (IWJ)**

#### **Recommendation:**

Permit.

#### **Reason for Reporting to Committee:**

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

At its meeting held on the 2<sup>nd</sup> November, 2016 the Members resolved to undertake a site visit prior to determining the application. The site was visited on the 16<sup>th</sup> November, 2016 and the Members will now be familiar with the site and its setting.

#### **1. Proposal and Site**

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

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

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

#### **2. Key Issue(s)**

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

#### **3. Main Policies**

##### **Ynys Môn Local Plan**

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

##### **Gwynedd Structure Plan**

Policy D4 - Environment

##### **Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN1 - Landscape

#### **4. Response to Consultation and Publicity**

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

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

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

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

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

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

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

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

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

**Footpaths Officer** – No observations

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

### **Response to publicity**

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

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

- No dimensions or calculations are submitted with the drawings which demonstrate that the water surface water system can handle the excess water.
- Pond omits bad odour.
- Concerns that the pond will be used for commercial purposes.

## **5. Relevant Planning History**

None

## **6. Main Planning Considerations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Whether or not the unauthorised development was carried out intentionally or not is a moot point. In any event it is not a criminal offence to carry out development without first obtaining any necessary planning permission. There are provisions within the Act to allow for permission to be applied for retrospectively.

It is not considered expedient nor in the wider public interest for the Local Planning Authority to take formal planning enforcement action in this case irrespective of the motive, whether intentional or otherwise.

Whilst any development could be argued to have a potential impact upon the amenities of neighboring properties or the character of the locality, the question which needs to ask is whether or not the impact is so adverse that it warrants refusing the application. On balance however it is

not considered the unauthorised development is so adverse that it should warrant refusing the application. Moreover, it is not considered that any refusal issued could be substantiated on appeal.

The application presently under consideration has been considered in light of the advice provided within Technical Advice Note (Wales) 9: Enforcement of Planning Control together with all other material planning considerations. In accordance with the advice contained with the aforementioned document ....

*'Enforcement action should be commensurate with the breach of planning control to which it relates; it is usually inappropriate to take formal action against a trivial or technical breach of control which causes no harm to public amenity. The intention should be to remedy the effect of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularise development for which permission had not been sought, but otherwise acceptable'*

## **7. Conclusion**

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

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

## **8. Recommendation**

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

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

<b>Drawing / Document no.</b>	<b>Date Received</b>	<b>Plan Description</b>
<b>2204:14:3a</b>	<b>01/02/2016</b>	<b>Proposed Site Plan</b>
<b>2204:1:3</b>	<b>01/02/2016</b>	<b>Proposed Site Plan</b>
<b>2204:14:1</b>	<b>01/02/2016</b>	<b>Location Plan</b>
<b>2204:14:2</b>	<b>01/02/2016</b>	<b>Site Plan Prior Construction</b>
<b>2204:14:2</b>	<b>01/02/2016</b>	<b>Flood Path Route Prior Construction Plan</b>

**Reason: For the avoidance of doubt.**

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

## **9. Other Relevant Policies**

**Planning Policy Wales (Edition 9)**

**Technical Advice Note 5: Nature, Conservation and Planning**

**Technical Advice Note 9: Enforcement of Planning Control**

**SPG: Design Guide for the Urban and Rural Environment**

**7.4 Gweddill y Ceisiadau**

**Remainder Applications**

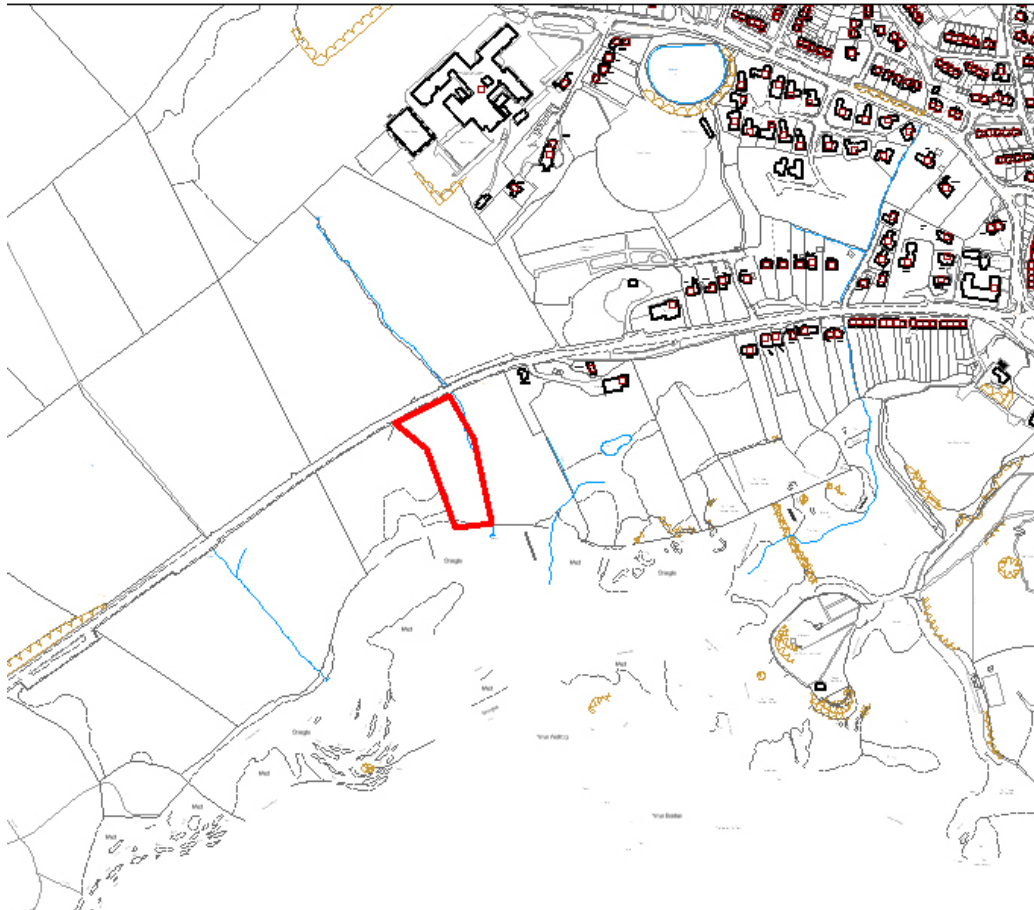
Rhif y Cais: **39C561/FR/TR** Application Number

Ymgeisydd Applicant

**Mr George Ulrich**

**Cais llawn ar gyfer codi Canolfan Zorb ynghyd a chreu mynedfa i gerbydau a maes parcio ar dir ger / Full application for the erection of a Zorb Centre together with the construction of a vehicular access and car park on land adjacent**

**The Lodge, Ffordd Caergybi / Holyhead Road, Porthaethwy / Menai Bridge**





## **Planning Committee: 07/12/2016**

### **Report of Head of Planning Service (GJ)**

#### **Recommendation:**

Refuse

#### **Reason for Reporting to Committee:**

The application is presented to the Planning Committee on the request of the Vice Chairman and Local Member.

A site visit took place on the 17<sup>th</sup> February, 2016 and members are now aware of the site and its settings.

#### **1. Proposal and Site**

The application is a full application for the erection of a Zorb Centre together with the construction of a vehicular access, demolition and re-build of 180 metres of stone wall, construction of a car park and reception cabin on land near The Lodge, Holyhead Road, Menai Bridge

The applicant seeks planning permission for works to facilitate the use of the land for a downhill zorbing centre. The activity involves rolling downhill inside a large transparent ball known as a zorb ball, having been harnessed inside. Planning permission is sought for the following works on the site to facilitate the use of the land for the zorbing facility:

- The erection of a reception cabin which consists of a container clad in timber. The roof will then cover the container and shelter with a grass roof.
- The formation of a 2 metre high bund to screen the main building
- The siting of the zorbing run and a catch cargo net to stop the zorbs
- Grass platform and timber stairs onto platform
- The erection of timber post and rail fence along the zorb run at a height of 1.2m
- Ecogrid facility for Car parking for 10 cars within the top end of the site
- Installation of a treatment plant
- Construction of a new vehicular access
- Demolition of 180 metres of existing stone wall and re-built and set back 4.5metres into the sloping site

The site is located within an Area of Outstanding Natural Beauty, within a sloping agricultural enclosure bordering the A5 at the edge of Menai Bridge and adjacent to the Menai Strait. The site is bordered on two sides by the Wales Coast Path linking Menai Bridge to Llanfairpwll.

#### **2. Key Issue(s)**

The key issue is whether the proposal complies with current policies, the effect on the Area of Outstanding Natural Beauty, the effect on nearby Listed Buildings, the coast and whether the proposal will affect the amenities of surrounding properties.

#### **3. Main Policies**

##### **Ynys Mon Local Plan**

Policy 1 – General Policy

Policy 2 – New Jobs

Policy 5 – Design

Policy 17 - Recreation and Community Facilities

Policy 14 – Recreation and Community Facilities  
Policy 26 – Car Parking  
Policy 30 – Area of Outstanding Natural Beauty  
Policy 36 – Development on the Coast  
Policy 41 – Conservation of Buildings  
Policy 42 – Design

**Gwynedd Structure Plan**

Policy B1 – Employment  
Policy B9 – Employment  
Policy CH1 – Tourism and Recreation  
Policy D1 - Environment  
Policy D4 – Location, Siting and Design  
Policy D5 – Environment  
Policy D9 – Environment  
Policy D22 –Setting of Listed Buildings

Policy D29 - Design

**Stopped Unitary Development Plan**

Policy GP1 – Development Control Guidance  
Policy GP2 – Design  
Policy PO7 – Tourism  
Policy PO8a – Undeveloped Coast  
Policy EP4 – Other Employment Opportunities  
Policy TR10 – Parking Standards  
Policy TO1 – New Attractions and Extensions to Existing Attractions  
Policy TO11 – Sports & Leisure Facilities  
Policy EN2 – Areas of Outstanding Natural Beauty  
Policy EN8 – Development on the Coast  
Policy EN13 - Conservation of Buildings

**4. Response to Consultation and Publicity**

**Llanfairpwll Community Council** – Concern on the effect on the Area of Outstanding Natural Beauty and the Coast.

**Menai Bridge Town Council** – Concerns on the effect on the Area of Outstanding Natural Beauty. Located in a sensitive location. Highway Concerns. Visual impact on the Coastal path

**Local Member (Cllr Meirion Jones)** – Call in request - Requested that the application is presented to the Planning & Orders Committee for consideration

**Local Member (Cllr Jim Evans)** – Request that the application is presented to the planning committee for consideration.

**Local Member (Cllr Alun Mummery)** – Request that the application is presented to the planning committee for consideration.

**Drainage Section** – Standard comments

**Welsh Water** – Conditional approval recommended

**Natural Resources Wales** – No objection

**Environmental Health Section** – Standard Comments

**Economic Development** – Supports the application as it will add to the wider tourism offered on Anglesey

**North Wales Police** – Standard comments

**Welsh Assembly Government Trunk Road Agency** – Conditional approval

**National Trust** – Concerns raised on landscape and visual impact and the effect on archaeology, ecology and cultural heritage

**Coastal Path Officer** – Comments on routing of path

The proposal was advertised through the posting of a notice near the site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The application was also advertised in the local newspaper as the development is close to a public footpath and in the setting of Listed Buildings. The latest date for the receipt of representations was the 2<sup>nd</sup> November, 2016. At the time of writing the report 365 letters had been received objecting to the proposal and 85 letters had been received supporting the application.

The main reasons for objection as follows:-

- Impact on AONB and SSSI
- Increase in traffic and Road Safety
- The development would set a precedent for further development on the site
- Impact on Coastal Path
- The jobs and tourism created by the development would not be a sufficient increase in tourist money
- Impact of the development on ecological grounds and disturbance of wildlife on nearby land
- This is not the correct place
- Visual Impact
- Noise Pollution
- Effect from the Coast
- Flooding issues
- In the setting of Listed Buildings in the area

The main reasons for support as follows:-

- Economic benefits
- Minimally Intrusive
- The development will not damage tourism
- Will add tourism to the area
- Low impact
- Job creation

## **5. Relevant Planning History**

No relevant site history.

## **6. Main Planning Considerations**

**Site**

The application is located outside the development boundary of Menai Bridge, located in an Area of Outstanding Natural Beauty, within a sloping agricultural enclosure bordering the A5 at the edge of Menai Bridge and adjacent to the Menai Strait. The site is bordered on two sides by the Wales Coast Path linking Menai Bridge to Llanfairpwll.

## **Proposal**

### **Zorbing Run**

The Zorbing run measures approximately 195 metres in length and a 12 metres wide grassed corridor for the zorb ball to run down. A 1.2 metre high wooden post and rail fence will run down the slope. The existing hillside contours provide a drop of some 13 metres over the length of the zorbing run, which is suitable for zorbing without any alterations to the existing contours.

### **Reception cabin**

The reception cabin is to be sited on the top end of the site. It will measure 12 metres long x 7.4 metres wide and 5.6 metres high at its highest point. It is to be clad in timber hit and miss boarding and covered with a grass roof.

### **Launch Platform**

This comprises a grass launch platform with timber stairs leading to the platform.

### **The Catch Zone**

This is located at the base of the zorbing run, It consists of a cargo net which will be 3.2m high.

### **Bunding**

A 2 metre high earth bund is proposed to the front of the reception cabin to screen the cabin from the coast.

Intended operation from April to October during hours of daylight. There are no requirement for floodlighting as zorbing is carried out within daylight hours.

A new vehicular access will be constructed with 4.5m x 90m visibility splay which results in 180 metres of the historic stone wall being demolished and a replacement wall setback 4.5 metres into the sloping site.

The proposal includes provision for up to 10 cars and the use of an eco-grid system.

### **Highway Considerations**

The Welsh Assembly Government's Trunk Road Agency has confirmed that they are supportive of the application with appropriate worded conditions.

### **Policy Considerations**

#### **Ynys Mon Local Plan and Stopped Unitary Development Plan Policies**

Policy 1 of the YMLP gives general policy guidance and outlines the material planning considerations to be taken into account in deliberations on planning applications. Similar guidance is given in general Policy GP1 of the Stopped UDP.

Policy 2 of the YMLP states that the council will support job creating projects within or on the edge of existing recognised settlements where they are of a scale and type compatible with the surrounding area, and accord with other policies of this plan. Similar guidance is given in Policy PO1 of the Stopped UDP.

Policy 30 of the YMLP states that the council will give priority to the protection and enhancement of the landscape when considering planning applications. This approach is reiterated in Policy EN2 of the Stopped UDP.

Policy 17 of the YMLP provides policy guidance on 'recreational and community facilities' and states that such schemes will be permitted where they:

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

Policy T011 of the Stopped UDP states that 'Other new proposals for sports and leisure facilities, and the improvement and redevelopment of existing leisure centres and sports facilities, will be permitted in order to meet the leisure needs of residents and visitors provided the proposal does not cause significant harm to residential and visual amenity. Policy TO1 of the Stopped UDP states that 'Proposals to further develop existing or create new, tourist attractions will be permitted providing they do not cause significant harm to the environment'. Both these policies emphasise the need not to cause significant harm to visual amenities and the environment and should be important considerations in assessing whether the proposed development is acceptable in planning terms.

### **Planning Policy Wales (Edition 9 November, 2016)**

Paragraph 7.1.1 (Economic Development) states: -

7.1.1 For planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.

7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.

Paragraph 11.1.4 (Tourism, Sports and Recreation) states: -

Tourism involves a wide range of activities, facilities and types of development throughout Wales. The planning system should encourage sustainable tourism in ways which enable it to contribute to economic development, conservation, rural diversification, urban regeneration and social inclusion, recognising the needs of visitors and those of local communities. In addition to supporting the continued success of existing tourist areas, appropriate tourist-related commercial development in new destinations, including existing urban and industrial heritage areas, should be encouraged.

Paragraph 11.1.6 states: -

Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns. In some places there may be a need to limit new development to avoid damage to the environment (for example in undeveloped coastal areas), or to the amenity of residents and visitors. In others there will be scope to develop well-designed tourist facilities so as to help bring about regeneration, particularly of former industrial areas.

Paragraph 11.1.7 states:-

In rural areas, tourism-related development is an essential element in providing for a healthy, diverse, local and national economy. It can contribute to the provision and maintenance of facilities for local communities. Here too development should be sympathetic in nature and scale to the local environment and to the needs of visitors and the local community.

Paragraphs 5.3.5, 5.3.6 and 5.5.5 of the Planning Policy Wales (Edition 9) November 2016 states that the primary objective in designating AONB's is the conservation and enhancement of their natural beauty. AONB's must be afforded the highest status of protection from inappropriate developments and great weight given to conserving and enhancing the natural beauty of the areas. Statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.

Section 16 & 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has a general duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which it possesses.

### **TAN 23 – Economic Development states**

#### **Technical Advice Note 23 provides advice on Economic Developments and giving weight to Economic Developments.**

Paragraph 3.1.1 states:-

A wide range of economic activities may be sustainably accommodated in rural areas, and this is recognised in PPW and other TANs, in particular TAN 6 Planning for Sustainable Rural Communities. Broadband and other forms of technology infrastructure are particularly important to help support rural economies. TAN 6 also defines 'rural enterprise' for the purpose of determining rural enterprise dwellings, and amongst other things includes agriculture, forestry, tourism and leisure in that definition.

Paragraph 3.1.2 states:-

Sustainable development is essential to building strong rural economies and vibrant communities. In rural areas local planning authorities should use a sequential approach when identifying land for economic uses in development plans, and this approach is considered in more detail earlier in this TAN (sec 1.2.7). Less preferable locations may also be appropriate where the resulting benefits outweigh any adverse impacts of the development. In judging these benefits, authorities should have regard to the considerations set out previously in this TAN (sec 2.1.5) i.e. jobs accommodated, alternatives, and special merit.

The jobs created from this development will be 6 full time and 4 part time.

#### **Visual Effects**

The site is within an Area of Outstanding Natural Beauty, in a sensitive area located adjacent to the Menai Straits.

Images in the supporting document indicate the site location in relation to views from both bridges and the two viewpoints along the A5. A combination of distance, intervening vegetation means that the effects from these 4 locations (in excess of 300 metres of the site), all regarded as High sensitivity would be Moderate/Slight and not significant. The site is visible from a short section of the footpath (400m distant) that circumnavigates Church Island.

Within 250 metres, the site location is visible from the A5 and roadside footpath, with the boundary wall interrupting some vehicular views.

The site is visible from the Wales Coast Path at distances under 100 metres. Views are primarily out to the Straits and the bridges. The site is visible immediately on entering the path from the A5 where it is visible in the context of the Britannia Bridge, Strait and agricultural enclosures. Further along the path, towards the Menai Strait the site is visible inland and less prominent in relation to views of the Menai Strait and bridges. Effects on views from this short section of the Coast Path in both directions are likely to be moderate-substantial resulting in a noticeable deterioration to the view,

## **Landscape Effect**

The Area of Outstanding Natural Beauty's primary purpose is to conserve and enhance natural beauty of the designated area. The potential for adverse effects to the AONB's visual quality, tranquillity and access are noted in the baseline description and AONB Management Plan Policies. The development occupies a relatively small area of land and the area of landscape potential effects limited to 500m. No trees or hedges would be removed; however, minor topographical change to the parking area and bunding around the building would generate substantial effects on the part of the site occupied by these. Wall realignment would create a straight edge to the site rather than the gently curving boundary present. The Parallel fencing and cargo net introduce forms uncharacteristic of the setting.

Construction effects from the boundary wall realignment and operational effect would both affect tranquillity with effect greatest near the Strait where A5 roadway movement becomes less significant.

A medium magnitude of local landscape change would result in moderate-substantial effects within the immediate setting, reducing to slight-moderate effects away from the immediate setting.

## **Area of Outstanding Natural Beauty**

The application site is located within an Area of Outstanding Natural Beauty under the provisions of Policy 30 of the Ynys Mon Local Plan and D1 of the Gwynedd Structure Plan and Policies EN1 and EN2 of the Stopped Ynys Mon Unitary Development Plan.

The proposal cannot be described as 'conserving or enhancing' the AONB and therefore does not comply with Policy 30 of the Ynys Mon Local Plan or Policy EN2 of the Stopped Unitary Development Plan.

## **Built Environment and Built Conservation**

The development would impact on the historic non-designated A5 Trunk Road stone built boundary wall in this very sensitive location together with preserving or enhancing the setting of two iconic listed buildings (Grade 1 Menai Suspension Bridge).

Consideration must be given to Section 66(1) that gives special regard to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest which it possesses.

## **Effect on the amenities of adjacent residential properties**

The nearest property is approximately 75 metres away from the application site. It is not considered that the application will have a negative impact on the amenities of adjoining residential properties due to these distances.

## **7. Conclusion**

Giving weight and balancing the 'economic/tourism' benefits' against the impact upon the Area of Outstanding Natural Beauty/Setting of Listed Buildings it is considered that the impact on the AONB and on the Setting of nearby Listed Buildings outweigh the economic and tourism benefits.

## **8. Recommendation**

Refuse

(01) The development would have a detrimental impact on the Area of Outstanding Natural Beauty. The development would not conserve or enhance the natural beauty of the designated area. This would be contrary to the provisions of Policies 1 and 30 of the Ynys Mon Local Plan, D1 and of the

Gwynedd Structure Plan, Policy EN2 of the Stopped Unitary Development Plan and Planning Policy Wales (Edition 9 November 2016).

(02) The development would unacceptably affect the setting of the listed buildings and would be contrary to the general duty imposed on the local planning authority by virtue of Sections 16 and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D22 of the Gwynedd Structure Plan, Policy 41 of the Ynys Mon Local Plan, Policy EN13 of the Stopped Ynys Mon UDP, Welsh Office Circular 61/96 paragraph 11 and Welsh Assembly Government (Cadw) Conservation Principals.

(03) The demolition of this historic stone wall located in close proximity to two listed bridges and the Menai Straits would result in the loss of a feature which contributes significantly to the appearance and character of this important sensitive location and as such would be seriously detrimental to the visual amenities of the location.

### **9. Other Relevant Policies**

Technical Advice Note 12 – Design

Technical Advice Note 15 – Development and Flood Risk

Technical Advice Note 23 – Economic Development

Section 16 & 66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990.

Welsh Office Circular 61/96 Paragraph 11

Welsh Assembly Government Conservation Principals

SPG – Urban and Rural Environment

Planning Policy Wales 9<sup>th</sup> Edition, November 2016



7.5 Gweddill y Ceisiadau

Remainder Applications

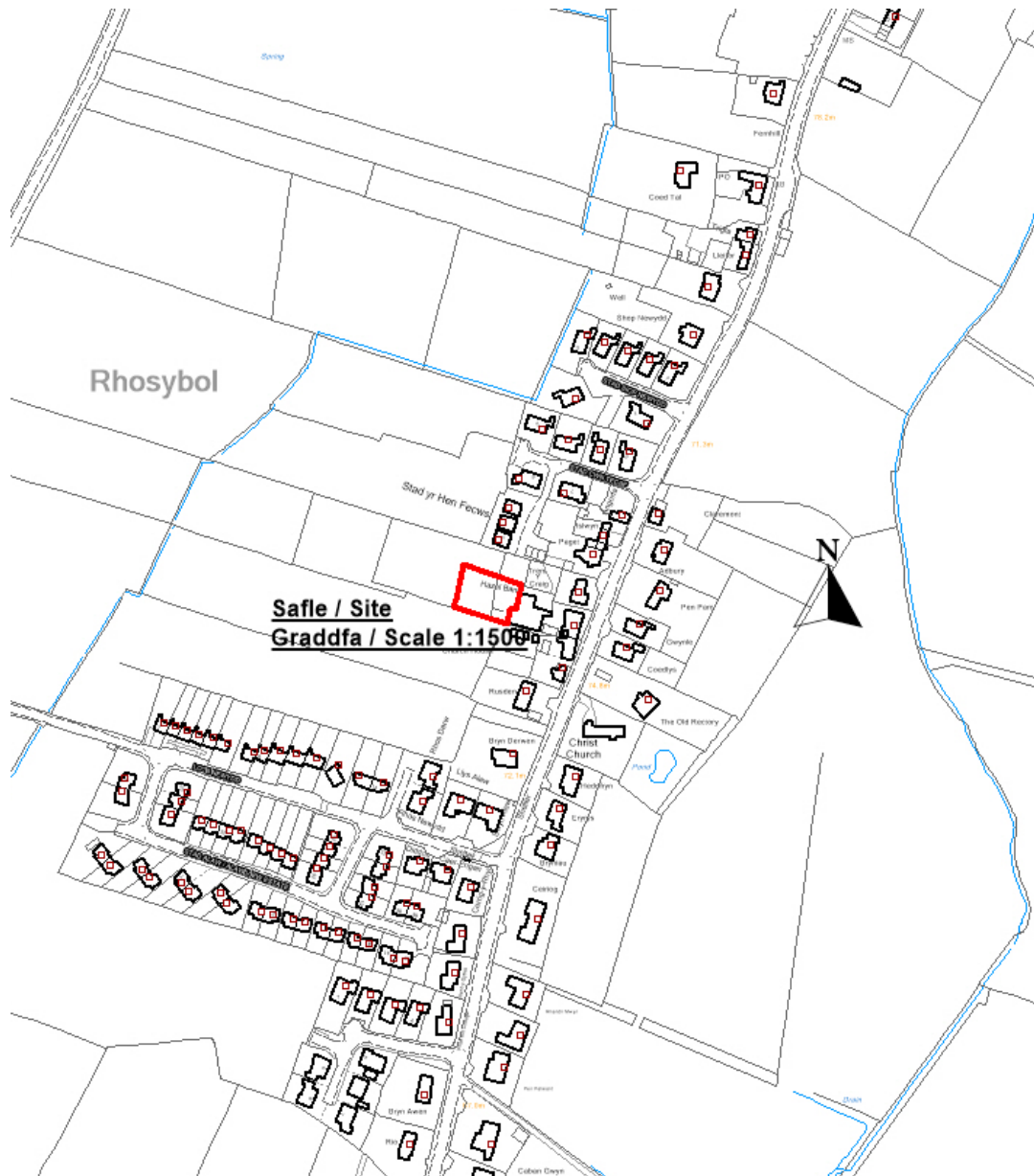
Rhif y Cais: 44C102A Application Number

Ymgeisydd Applicant

Ms Roma Rerrie

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

Hazelbank, Rhosybol



**Planning Committee: 07/12/2016**

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

**Recommendation:**

Refuse

**Reason for Reporting to Committee:**

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

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

At its meeting held on the 2<sup>nd</sup> November, 2016 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- It is not considered that the application is tandem development
- The proposal would provide a home for a young person which is not out of character in the area.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:  
"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to these matters;

- It is not considered that the application is tandem development

In response to the above reason, the site lies to the rear of Hazelbank, Rhosybol. It is considered that the proposal would result in a dwelling being situated immediately to the rear of existing properties constituting tandem development as referred to in Paragraph 9.2.13 of Planning Policy Wales.

One dwelling located behind another causes harm to the amenities of properties to the front by means of further pedestrian and highway movements, harming the amenities of those occupiers.

- **The proposal would provide a home for a young person which is not out of character in the area.**

In response to the above reason, we are of the opinion that the development is not out of character with the pattern of development in the area. Planning permission runs with the land and it would not be reasonable to restrict occupancy to a specified person.

## **8. Recommendation**

### **Refused**

(01) The proposal would result in tandem development which would harm the amenities of existing and proposed occupiers therefore, contrary to Policy A2, A3, D4, D28 and D29 of the Gwynedd Structure Plan, Policies 1, 42, 48 and 50 of the Ynys Môn Local Plan, Policies GP1, GP2 and HP4 of the stopped Unitary Development Plan and the provisions of Planning Policy Wales (9<sup>th</sup> Edition).