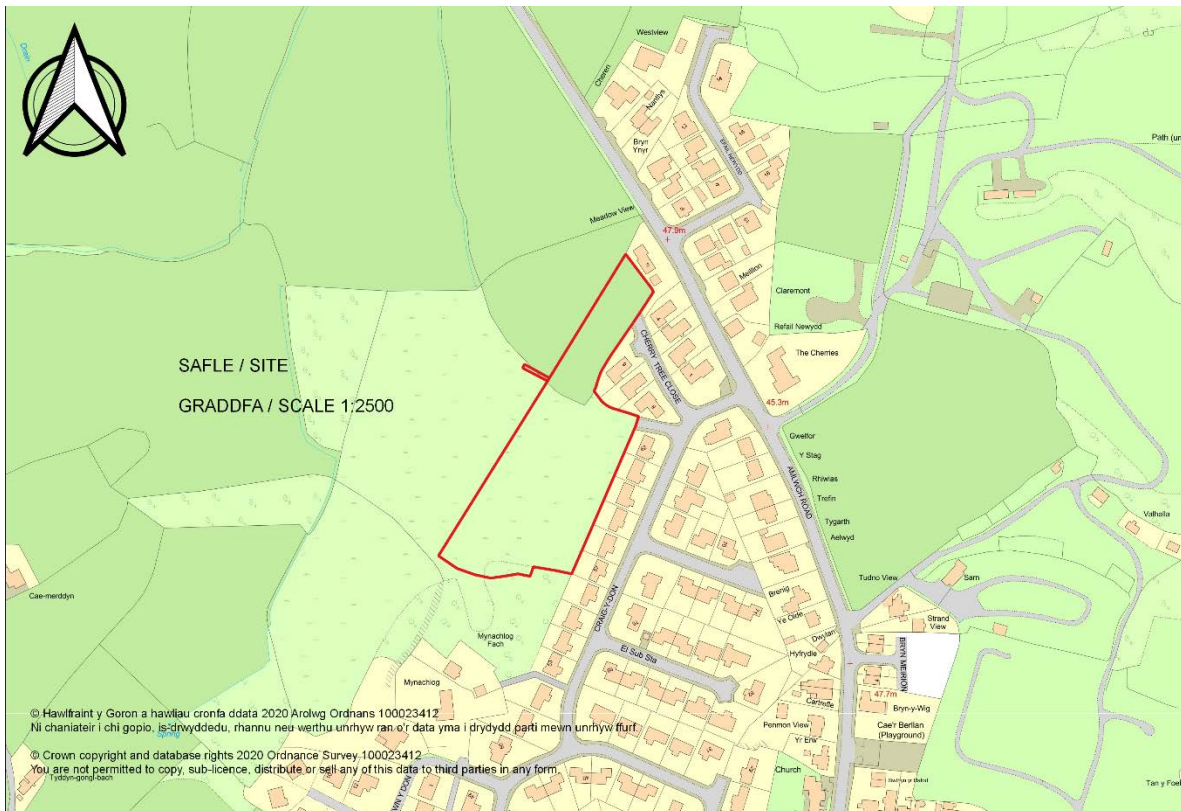


Application Reference: FPL/2019/217

Applicant: Mr Dylan Davies

**Description:** Full planning application for the erection of 17 affordable dwellings, construction of two new vehicular and 3 new agricultural accesses, installation of a pumping station together with soft and hard landscaping on land adjacent to

**Site Address:** Craig y Don Estate & Cherry Tree Close, Benllech



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

**Recommendation:** Permit

### Reason for Reporting to Committee

The application has been called into the Planning and Orders Committee for determination by Local Members Ieuan Williams and Margaret Roberts.

It was noted that the Welsh Ministers have received a request to call-in the application for their own determination and the application was deferred pending their decision.

### Proposal and Site

The application is submitted for the construction of 17 affordable dwellings together associated developments. The application site will be accessed from two new separate vehicular accesses from

Cherry Tree Close and Craig y Don Estates. The application also entails 3 number of agricultural accesses and the construction of a pumping station. The application has been amended on several occasions. The main amendment was the reduction of the number of units from 29 to 17 dwellings. The latest amendments include additional landscaping at the boundary and reduction of agricultural accesses.

The application site is approximately 1.08 hectares with a Local Wildlife Site. The land is within the Area of Outstanding Natural Beauty (AONB) and lies immediately adjacent to the settlement boundary of Benllech as identified within the Joint Local Development Plan (JLDP).

The access from the Craig y Don estate will serve 16 dwellings whilst the access from Cherry Tree Close will serve the remaining dwelling. The proposed development will include new estate roads to serve the proposed dwellinghouses. The proposed dwellinghouses will be located across the site varying from 2, 3 and 4 bedroom single and two storey units. The majority to the dwellinghouses are semi-detached properties whilst some are detached units. The proposed development also includes a mixture of single and two storey dwellinghouses. All dwellings are provided with designated parking and private amenity spaces. As part of the proposed development amenity land will be allocated across two separate areas. The pumping station is located to the western part of the site.

The application site is surrounded by residential properties to the north, east and south. Grassland is located to the west and south. The topography of the land is generally level with a slight depression in the centre of the site. The application site is predominately surrounded by hedgerows.

## **Key Issues**

Whether or not the proposal is justified in this location, complies with local and national policies and whether the proposal will have an impact upon the neighbouring properties, character and amenity of the area, Area of Outstanding Natural Beauty (AONB), Designated Wildlife site and highway safety.

## **Policies**

### **Joint Local Development Plan**

Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy TAI 16: Exception Sites  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 6: Water Conservation  
Policy PCYFF 5: Carbon Management  
Policy ISA 2: Community Facilities  
Policy ISA 5: Provision of Open Spaces in New Housing Developments  
Strategic Policy PS 2: Infrastructure and Developer Contributions  
Policy ISA 1: Infrastructure Provision  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
Policy AMG 5: Local Biodiversity Conservation

## **Response to Consultation and Publicity**

<b>Consultee</b>	<b>Response</b>
Gwasanaeth Addysg / Education Service	The Lifelong Learning Department of Anglesey Council have confirmed that no commuted sum is required in this instance.
Iechyd yr Amgylchedd / Environmental Health	Conditional Approval
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	General comments made with respect to policies contained within the Joint Local Development Plan (JLDP).
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	Conditional Approval
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	Referred the application to the Planning and Orders Committee. The Local Member considered the proposed development does not comply with national or local planning policies. The proposed development would put an increased pressure upon local schools and existing highway network. The Local Member also considers that the proposed development should be subject to an EIA and as such raises concerns that the proposed development will have a negative impact upon the AONB and Local Wildlife Site.
Cynghorydd Margaret Murley Roberts	Referred the application to the Planning and Orders Committee. Concerns that the application site is located outside the development boundary and an increased pressure upon schools, parking etc
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Concerns regarding over development, number of units being proposed and inadequate access and substantial traffic within the area.
Dwr Cymru/Welsh Water	Conditional Approval
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Legal Agreement required to accommodate the mitigation and enhancement measures proposed to the designated Wildlife Site.
Ymgynghorydd Tirwedd / Landscape Advisor	Conditions proposed to mitigate the impact upon the AONB
Priffyrdd a Trafnidiaeth / Highways and Transportation	Conditional approval recommended.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Conditional Approval
Draenio Gwynedd / Gwynedd Drainage	No Objection
Strategol Tai / Housing Strategy	There is a demand for the affordable units being proposed which has been confirmed within a housing needs survey.
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	Application should be considered in line with AONB Management Plan and Policy AMG 1 of the

	<p>JLDP. Questioned whether other sites have been considered for the proposed development. Concern that further encroachment is made into the AONB if the application is approved.</p>
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The proposal has been advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The publicity process has been undertaken on three occasions. The latest date for the receipt of any representation was the 24/09/2020. At the time of writing this report, 23 representations had been received at the department. The points are summarised below:

- Concerns with respect to planning policy and the land is situated outside the development boundary.
- Concerns regarding school capacity and local infrastructure.
- Concerns regarding highways safety, access, parking places and increased traffic.
- Concerns regarding disruption during the construction phase.
- Concerns regarding flooding.
- Concerns regarding ecology.
- Concerns regarding Area of Outstanding Natural Beauty (AONB).
- Concerns regarding impact upon amenity of existing nearby residents.
- Concerns regarding Welsh Language.

In response to the points raised the Local Planning Authority responds as follows:

- An assessment with respect to the location of the site and planning policy is outlined within the main core of the report.
- The impact upon the existing infrastructure including the local school has been assessed as part of the application. This is elaborated upon within main core of the report.
- The Local Highways Authority have assessed the application and raised no object to the application.
- Conditions will be attached as part of the application to mitigate and minimise nuisance to nearby properties and road users during the construction phase.
- Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. Until an application is made to the SAB there remains some uncertainty whether the proposed site layout would enable full compliance with the suite of national SuDS standards. Welsh Water and Natural Resources for Wales have assessed the application and raised no objection.
- An Ecology Appraisal has been submitted as part of the application. The Authority's ecologist together with Natural Resources for Wales have assessed the application and are satisfied with the proposed development subject to conditions and legal agreement.
- The impact upon the AONB is assessed within the main core of the report
- The impact upon the amenities of nearby residential properties have been assessed as part of the application. This is elaborated upon within the main core of the report.
- A Welsh Language Impact Assessment has been submitted as part of the application. It is considered the impact upon the Welsh Language will be comparatively low.

### **Relevant Planning History**

SCR/2019/46 - Screening opinion for the erection of 29 affordable dwellings, construction of two new vehicular and 4 new agricultural accesses, installation of a pumping station together with soft and hard landscaping on land – EIA Not Required 23/08/2019

### **Main Planning Considerations**

The site is located immediately adjacent to the development boundary of Benllech. In terms of the principle of housing development, the development boundary is considered under policy TAI 16 of the

Joint Local Development Plan (JLDP). In accordance with this Policy all units would have to be affordable housing that meets a defined local need. The policy states:

*“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 application site is located towards the northern part of the Benllech. The north west part of the development boundary is staggered with no distinctive pattern to the boundary. The application site is considered a reasonable extension to the settlement since the site would only extend the built form towards the current extent of the development boundary around the property of Mynachlog Bach which lies to the South West of the application site. It is considered that the site will not unacceptably intrude and encroach further into the countryside than the general existing form of development. The application site is considered proportionate to size of the settlement of Benllech, which is classed as a Local Service Centre with the JLDP, the second highest tier settlement category of Anglesey.

Policy TAI 16 also states that, if local need has been proven, as an exception to the usual housing policies, schemes for a 100% affordable housing could be suitable on such a site as long as the units cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing. It has to be ensured that all the units are affordable and that there is a local need for them.

The indicative supply for Benllech (including a slippage allowance of 10%) was for 90 units over the plan period. In the period 2011 to 2020 a total of 109 units have been completed within Benllech with a further 36 units in the landbank at April 2020 all of these units are on windfall sites (this 36 units includes the recently approved application (FPL/2019/204) to build 27 affordable dwellings at Ponc y Rhedyn in Benllech). This means that Benllech has achieved its windfall provision.

The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Councils to determine what type of sites will supply housing i.e designation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level (including 10% slippage) for Local Service Centres is 1754 units. 665 units were completed between 2011 and 2019 in all Local Service Centres and that 518 were in the land bank. This means that there is a current shortfall of 571 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centres category.

In terms of meeting a 'local need', the same definition applies as what is stipulated for the proposed affordable unit located within the boundary. The definition of who can live in these units are therefore very specific. Whilst it is noted in the information submitted with the planning application that all the units will be managed by Clwyd Alun Housing Association, it has been confirmed by the Housing Service there is a need for the units being proposed. The assessment includes a Housing Needs Survey and the consideration of other planning applications, including the proposal for the erection of 27 affordable dwellings at Ponc Y Rhedyn, Benllech. The Housing Service have confirmed there is a need for the affordable units being proposed at both application sites. The Housing Service has also confirmed, outside Benllech there is a large demand for social and affordable housing in the Lligwy Electoral Ward.

The proposal is therefore appropriate in terms of the fact that all the units proposed on the part of the site outside the boundary are affordable. It is also necessary to establish there is a genuine need for these units and that this cannot be met within the boundary of Benllech as noted in Policy TAI 16. If the need for these units have not been suitably justified, the proposal, in terms of the units located outside the development boundary, would be contrary to JLDP as it would provide new houses in the countryside without the relevant justification.

As such, Policy TAI 16 states the requirement to demonstrate that affordable housing to meet a proven local need cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing.

The applicant together with the policy, housing and property section have provided comments with respect to whether or not affordable housing cannot be reasonably be delivered within a reasonable timescale on a market site inside the development boundary.

The allocated housing site (T32) within Benllech would provide 12 residential units and would provide 4 number of affordable units. The site is owned by the Local Authority and there are no immediate plans to develop the site within the immediate future. It is therefore considered that the allocated housing site will not be delivered in a reasonable timescale. In addition, it considered that Topic Paper 6: Urban Capacity Study (February 2015) has not identified significant development opportunities with the settlement boundary of Benllech. The agent has also provided information confirming that there are no dwellinghouses within Benllech that could be considered as being at an affordable price. The Housing Section have confirmed this point.

It is considered there are only limited opportunities to meet any identified need in the settlement within a reasonable timescale. An application for 6 residential apartments has recently been refused which would have provided 2 affordable units. In light of this evidence and the lack of previous affordable units being delivered within the settlement the policy and housing section are of the opinion that the exception site will help to meet an identified need.

With respect to the viability and deliverability of the site, it is considered that the site is on the 'Reserve and Potential' list of the Council's Program Delivery Plan (PDP). The Housing Service also proposed to fund the proposed development through a Social Housing Grant within the next 5 years. It is therefore considered there is a high element of certainty that this site will be brought forward within a reasonable timescale and consideration has been given towards its viability.

#### Candidate Site

The application site was offered as a candidate site under the Anglesey and Gwynedd Joint Local Development Plan for residential development (reference number SP146). The purpose of the candidate sites was to identify suitable site as housing allocations within the Plan. The comments made by the planning policy unit relating to the site (included within Topic Paper 1B: Assessing the Candidate Sites (March 2016)) raised issues with respect to highway safety, surface water issues, that the site is located within the AONB and is situated on Grade 3 Agricultural Land. All these issues will be assessed later within the report.

The topic paper also suggest that since the land is located within the AONB, other sites were available as a housing allocation. Policy TAI 16 does not require consideration of other potential exception sites on locations immediately adjacent to the settlement boundary only for possible alternative sites within the boundary. As previously noted, it not considered that the allocated site will be delivered in a reasonable timescale.

#### Policy TAI 8 – Appropriate Housing Mix

The proposed development offers a mixture of single and two storey dwellinghouses which can accommodate various number of bedrooms and occupants. Policy TAI 8 '*Appropriate Housing Mix*' seeks

to ensure that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community.

Regard is given to the Local Housing Market Assessment (LHMA), Council Housing Register and Tai Teg Register to assess the suitability of the mix of housing in terms of both type and tenure proposed on development sites to redress an identified imbalance in a local housing market. The Housing Service have confirmed that the housing mix being proposed is acceptable.

#### Policy PS 1 – Welsh Language and Culture

Given that the application is a large scale housing development (defined as 5 or more units within Local Service Centres in the Maintaining and Creating Distinctive and Sustainable Communities' SPG) on an unexpected windfall site then a Welsh Language Impact Assessment is required in line with policy PS1 of the JLDP. It is noted that such an assessment has been submitted with the application which concludes that the impact upon the Welsh Language will be comparatively low.

#### Policy ISA 5 – Provision of Open Spaces in New Housing Developments

As this is a development of 17 dwelling houses it triggers Policy ISA 5, which states that: *“New housing proposals for 10 or more dwellings, in areas where existing open space cannot meet the needs of the proposed housing development, will be expected to provide suitable provision of open spaces in accordance with the Fields in Trust (FiT) benchmark standards of 2.4 hectares per 1000 population.”*

The Open Spaces in New Residential Developments Supplementary Planning Guidance (SPG) (March 2019) states that the benchmark standard proposed by the FiT consists of a minimum 2.4 hectares per 1000 population.

The Open Space Assessment undertaken by the Joint Planning Policy Service identified a shortfall of open space in all of the above categories. As part of the application the applicant is providing 645m<sup>2</sup> public open space which more than meets the informal play space element of the FiT categories but does not propose to place any play equipment on the site.

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.

New Provision from new development:

- Outdoor Sport = 564.16m<sup>2</sup>
- Children's Informal Play Space = no financial contribution required as this is being provided on site
- Children's Equipped Play Space = 88.16m<sup>2</sup>

Therefore, based on costs for provision the commuted sum required are highlighted:

- Outdoor Sport = £6595.03
- Children Equipped Play Space = £3349.20
- Total Contribution = £9944.23

#### Infrastructure Policy

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development

consideration is given to the capacity within local schools to accommodate the anticipated number of children on the site. It is also important to consider the effect of the proposed development on the capacity of local schools. The cumulative impact of other developments in the schools' catchment areas is also taken into account when assessing whether an education contribution should be made. The Lifelong Learning Department of Anglesey Council have confirmed that no commuted sum is required in this instance.

### Agricultural Land

The proposed site lies on Grade 3b Agricultural Land which is classified as moderate quality'. 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. Since this site lies on Grade 3b land criterion 6 of Policy PS 6 is not applicable with this application.

### **Character of the area:**

At its core, one of the most fundamental consideration is whether this residential development is acceptable in respect of its design and layout is whether it can comply with the provisions of the JLDP and whether there are any other material considerations which must be taken into account. Policy PCYFF2, PCYFF3 and PCYFF4 are the primary consideration in assisting the proposal from this aspect.

The development is located adjoining the settlement of Benllech. Within this context, achieving the correct design and appearance is important and it is noted that a mixture of development are located within the vicinity. These include a mixture of single and two storey dwelling of various designs.

The proposed dwellings are considered acceptable in terms of their impact on the townscape which will acceptably integrate into the surrounding area. The proposed development includes a mixture of detached and semi-detached properties includes single and two storey dwellinghouses. It is considered that the proposed development will not harm the character of the area and reflect the relatively dense residential pattern of development within the immediate locality.

### **Effect upon the amenities of neighbouring properties:**

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to 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. As previously noted, the application will be served from the Craig y Don and Cherry Tree Close residential estates. Existing dwellinghouses are located along the northern and eastern boundary. Dwellinghouses are also located to the south, however agricultural land is located between these existing units and the application site. No significant difference in level is proposed as part of the development.

Plots 11, 12 , 13, 14, 15, 16 and 17 all adjoin the eastern boundary and therefore careful consideration is given to the amenities of the dwellinghouses located at Craig Y Don.

The Supplementary Planning Guidance (Design for the Urban and Rural Environment) requires a distance of 2.5 meters between dwellinghouses and boundaries. All of these dwellinghouses exceeds this distance, the shortest distance between plot 17 and the nearest exiting dwellinghouse being approximately 11 meters.



The Supplementary Planning Guidance (Design for the Urban and Rural Environment) SPG also requires a distance of 15 meters between secondary windows. The nearest proposed secondary window to an existing secondary window is at a distance of approximately 22 meters. This exceeds the guidance distance. In addition, a 1.8 high fence is proposed along the eastern boundary which will further aid against the impact upon the amenity of neighbouring properties.

Plot 1 also adjoins the eastern boundary and therefore careful consideration is given to the amenities of the dwellinghouses located at the Cherry Tree Close Estate. There is a distance of approximately 19 meters between the closest existing dwelling at Cherry Tree Close and the dwellinghouse at Plot 1.

A bedroom window is located on the eastern elevation of Plot 1 which is approximately 23 meters from the nearest dwelling house. A maximum distance of 15 meters is required within the SPG between secondary windows. The dwelling house is in compliance with guidance distances within the SPG. In addition, a 1.8 meter high green screen fence will be located along the eastern boundary.

Dwellinghouses are also located to the north and south part of the application. However, given the ample distance between the proposed units and the existing dwellinghouses together with position of an open space and agricultural land between the units, it is not considered the proposed development will have an unacceptable impact upon the amenities of those properties.

It is not considered that the proposed development will have a detrimental impact upon the nearby dwellinghouses or future occupants of the proposed affordable units. Conditions will be attached to any permission to including measures to mitigate against the impact during the construction phase.

#### **Local Highways Authority:**

The application site will be accessed the application from the both the Craig y Don and Cherry Tree Close residential estates. Estate roads will be constructed at the application site to serve the proposed dwellinghouses.

The Local Highways Authority have assessed the application and are satisfied with the proposed development subject to conditions which are proposed as part of their recommendation.

#### **Drainage:**

Indicative drainage plans and a drainage strategy has been submitted as part of the application.

The proposed development will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. Notwithstanding the SAB approval, a condition will also be attached to any planning permission to ensure that the proposed development will be made satisfactory in term of drainage and its impact upon the Wildlife Site.

#### **Ecology:**

The application site is located within a designated Local Wildlife Site, Cors Efail Newydd. The Cors Efail Newydd Wildlife Site was identified by North Wales Wildlife Trust and later formally designated as a local designation as part of the JLDP being classes as a '*naturalness*'. A preliminary Ecological Appraisal has been submitted with the application.

Policy AMG 6 of the JLDP ensures that proposals that are likely to cause direct or indirect significant harm to Wildlife Sites will be refused, unless it can be proven that there is an overriding social, environmental and/or economic need for the development, and that there is no other suitable site that would avoid having a detrimental impact on sites of local nature conservation value or local geological

importance. If a development is granted, it will be necessary to ensure that here are appropriate mitigation measured in place.

The Wildlife Site is approximately 57,959 square meters. The part of the application site which is located within the Wildlife Site is 7,847 metres square, approximately 13.5%.

The wildlife site is not currently being managed, and as such losing quality. Following undertaking surveys of the land, some areas of the Local Wildlife Site which will to be lost to the proposed development were found of being lesser ecological interest and the likelihood of any rare species in this area is certainly low. The remaining part of the Wildlife Site is more of a marshy grassland with more potential than the area of land subject to the application.

The Local Authority have no power available to enforce any retention or management of the site and as such the Wildlife Site may continue to deteriorate without any intervention. Although a relatively small proportion of the wildlife Site will be lost as part of the residential development, significant mitigation and enhancement measures in terms of management action and prescriptions for the lifetime of the development are being proposed which are suitable to form the basis of long term Conservation Plan. These measures include managing willows, conservation grazing and effective monitoring by vegetation surveys and reports.

As previously noted there is an identified need in Benllech for affordable dwellinghouses with no alternative sites within the development boundary which can be delivered in a reasonable timescale to address the need. Given due weight to this fact together with the mitigation and enhancement measures being proposed which will improve the un managed Wildlife Site, on balance it is considered there is an overriding social need for the proposed development. In addition, surface water from the proposed development will be directed in a controlled rate to an existing watercourse within the Wildlife Site. This will increase the wetness of the Wildlife Site which would be favourable to the ecological status of the site. There are currently no other sites for similar development therefore it is considered there is no other suitable available site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance.

Although outline management measures have been submitted, a full and comprehensive management plan to ensure appropriate mitigation and enhancement measures will be secured through a legal agreement to ensure that the works are carried out throughout the lifetime of the development.

#### **Area Of Outstanding Natural Beauty (AONB):**

The application is located within the designated AONB. Policy AMG 1 of the JLDP ensures that proposal within or affecting the setting and / or significant views into and out of the AONB must, whether appropriate, have regard to the AONB Management Plan.

The primary objective for designating AONBs is to conserve and enhance the natural beauty of the landscape. It is crucial that any development schemes that affect the AONB or its setting favours the safeguarding of an area's natural beauty.

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

As the site lies adjacent to the settlement with limited views from public viewpoints and where views are available, the propose development would be seen in the context of existing dwellings. Consequently it is considered that there would be a neutral effect on natural beauty as perceived from the main highway and Public Rights of Way (PRoW), conserving this characteristic of the AONB in relation to these views. A

short portion of low hedgerow will be removed and although it provides limited screening, it will be replaced in a suitable landscaping scheme.

It is considered there would be neutral effects on natural beauty from the proposal due to the lower sensitivity of the inward views - screening off-site would be unaffected. It is considered that appropriate details of the externally visible elevations and landscaping on the boundary (secured through conditions) would ensure greater conformity with AONB requirements.

The AONB is currently bounded by residential curtilages. The existing dwellings are predominantly white in colour, whilst the proposed dwelling are a darker colour. It is considered that the darker colour of brick, windows and door included within the new proposed dwelling could provide a better and more sympathetic edge of the settlement in comparison to the existing form of development. It is also considered that adequate landscaping of the boundary will aid mitigate against the proposed development and provide an improved and enhance new defined boundary between the built form of development and the open countryside. It is considered that the new boundary will create a clear definitive edge around the new development which will make it tougher to encroach further into the AONB.

#### **Other matters:**

Consultees including Gwynedd Archaeological, Drainage / Welsh Water, Natural Resources for Wales, Environmental Health have all provided comments with respect to the proposed development. Conditions will be attached to the permission accordingly.

#### **Conclusion**

The application is acceptable in policy terms and will provide affordable housing within Benllech. Although the application is located within a Wildlife Site and the Area of Outstanding Natural Beauty, on balance and given due consideration to the mitigation and enhancement measures being proposed it is considered that the proposed development is acceptable and will deliver an identified need of affordable dwellinghouses in Benllech which cannot be delivered on other sites within the development boundary.

The details with respect to highway matters have been assessed and considered acceptable. Given due consideration to distances between existing properties and the character of the area, the proposal is considered acceptable subject to conditions and will not detrimental harm the amenities currently enjoyed by the occupants of the surrounding properties or future occupiers to such a degree as to warrant refusal of the application.

#### **Recommendation**

Permit the application subject to conditions and a section 106 agreement to include the affordable housing, ecological enhancement measures and contribution towards open space.

#### **(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 18-226-SP-01 Rev B**
- Gable Elevation – 4B6P-404 Rev C**
- Gable Elevation – 4B6P-403 Rev B**
- Rear Elevation – 4B6P-402 Rev B**

- Front Elevation – 4B6P-401 Rev C
- First Floor Plan – 4B6P-202 Rev B
- Ground Floor Plan – 4b6p-201 Rev B
- Roof Plan – 4B6P-203 Rev C
- First Floor Plan – 4B6P-102 Rev B
- Ground Floor Plan – 4B6P-101 Rev B
- Gable Elevation 2 – 3B5P-404 Rev C
- Gable Elevation 3B5P-403 Rev C
- Rear Elevation – 3B5P-402 Rev C
- Front Elevation – 3B5P-401 Rev C
- First Floor – 3B5P-202 Rev C
- Ground Floor – 3B5P-201 Rev C
- Roof Plan – 3B5P-203 Rev C
- First Floor – 3B5P-102 Rev C
- Ground Floor – 3b5p-101 Rev C
- Gable Elevation 2 – 3B5PDC-404 Rev B
- Gable Elevation – 3B5PDC-403 Rev A
- Rear Elevation – 3B5PDC-402 Rev B
- Front Elevation – 3B5PDC-401 Rev A
- First Floor Plan– 3B5PDC-202 – Rev B
- Ground Floor Plan – 3B5PDC-201 – Rev B
- Roof Plan – 3B5DC-103 Rev B
- First Floor Plan - 3B5PDC-102 Rev B
- Ground Floor Plan 3B5PDC-101 Rev B
- Side Elevation – 3B5PB-404 Rev B
- Rear Elevation – 3B5PB-403 – Rev B
- Side Elevation – 3B5PB-402 Rev A
- Front Elevation – 3B5PB-401 Rev B
- Ground Floor Plan – 3B5PB-201 Rev A
- Roof Plan – 3B5PB-102 Rev B
- Ground Floor Plan – 3B5PB-101 Rev B
- Gable Elevation – 2B4P-404 Rev C
- Gable Elevation – 2B4P-403 Rev C
- Rear Elevation – 2B4P-402 Rev B
- Front Elevation – 2B4P-401 Rev B
- First Floor Plan – 2B4P-202 Rev C
- Ground Floor Plan – 2B4P-201 Rev C
- Roof Plan – 2B4P-103 Rev C
- First Floor Plan – 2B4P-102 Rev C
- Ground Floor Plan – 2B4P-101 Rev C
- Proposed Site Layout Overall Masterplan – 18C226-SP03-1 Rev F
- Proposed Site Layout – 18-226-SP03-2 Rev F
- Proposed Site Layout (Sheet 2) – 18-226-SP03-3 – Rev F
- Proposed Site Layout Landscape and External Works – Sheet 1 – 18-226-SP04-1 Rev E
- Proposed Site Layout Landscape and External Works – Sheet 2 – 18-226-SP03-3 Rev E

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

**(03) Construction works shall only be carried out between the hours of 08:00 - 18:00 Monday to Friday and 08:00 – 13:00 on Saturday. No works shall be carried out on Sunday or Bank Holidays.**

Reason: In the interest of residential amenity

**(04) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and**

**obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.**

Reason: To prevent pollution to the water environment.

**(05) Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: to ensure better integration of the proposal on the AONB boundary as required in PCYFF 3, PCYFF 4 and AMG 1

**(06) All planting in the approved details of landscaping (contained in Landscape and External Works plans 18-226-SP03-3 Revision E and 18-226-SP04-1 Revision E) shall be carried out in the first planting seasons following the use of the site or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: to ensure establishment of planting proposed on the AONB boundary as required in PCYFF 4 and AMG 1

**(07) No development shall commence until full details for reasonable avoidance measures (RAMS) for various protected species as outlined with the Preliminary Ecological Appraisal (Etive Ecology Ltd) is submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be completed in accordance with the approved detail.**

Reason: In the interest of protected species.

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

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

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

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

**(09) The proposed 1.8 meter-high fence as and as delineated on the submitted plan (dawning reference – Proposed Site Layout 18-226-SP03-2 Rev F & 18-226-SP03-3 – Rev F) shall be erected before the units hereby approved are occupied. The fencing shall not be removed at any time. If the fencing needs to be replaced/changed for whatever reason the replacement shall be of the same height and type and in the same position.**

Reason: In the interest of residential amenity

**(10) The access shall be laid out and constructed strictly in accordance with the submitted plan before any of the dwellings are occupied and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.**

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

**(11) The estate road(s) and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey' (copies of this document are available free on request from the local planning authority).**

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

**(12) The estate road(s) shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the work on the application site whichever is the sooner.**

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

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

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

**(14) No development shall commence until measures are in place to secure the future maintenance of the access and estate roads in accordance with details previously submitted and approved in writing by the local planning authority. The management and maintenance plan for the lifetime of the development shall include the arrangements to secure the operation of the scheme throughout its lifetime.**

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

**(15) No development shall commence until plans are submitted and approved by the Planning Authority showing details of the following:**

- o longitudinal and cross sections through the estate roads showing the proposed road levels relative to the existing ground levels and proposed garage floor levels.
- o the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- o the location and the type of street lighting furniture.

**The development shall thereafter be carried out in accordance with the approved detail.**

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

**(16) No surface water from the within the curtilage of the site to discharge onto the county highway. No development shall commence until full design details for the drainage of the site have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.**

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

**(17) 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.

**(18) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, include an assessment of the potential to dispose of surface and land water by sustainable means and a maintenance and management plan for the sustainable drainage scheme and its impact upon the Cors Efail Newydd, Local Wildlife Site. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

**(19) 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, E and F of Part 1 of Schedule 2 are hereby excluded.**

Reason: In the interests of amenity

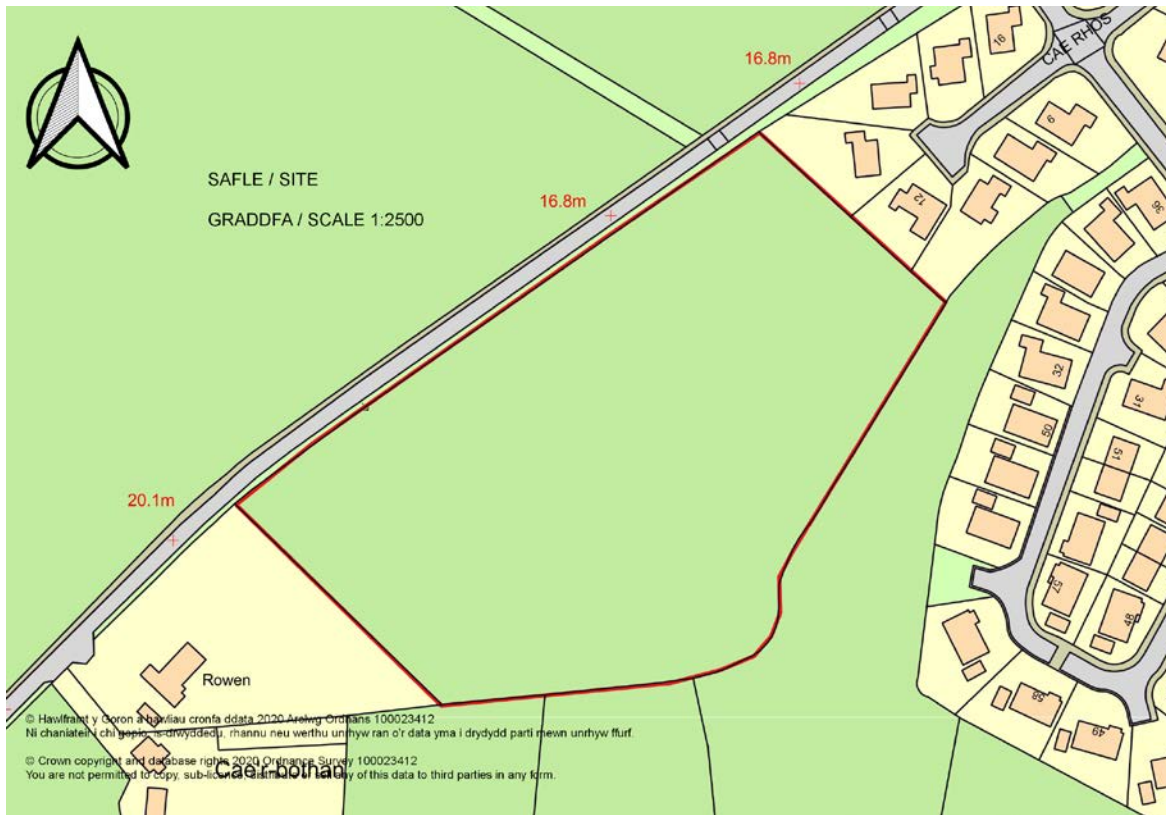
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference: 19C1231**

**Applicant:** Mr David & Mr Tom Nevin & Mrs Barbara Earnshaw

**Description:** Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout on land adjacent to

**Site Address:** Cae Rhos Estate, Ffordd Porthdafach Road, Caergybi/Holyhead



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application is being reported back to the planning committee because it was refused by members contrary to the officer recommendation. In accordance with protocol the planning application is being reported back to the committee with a report focused on member's reason for refusal.

**Main Planning Considerations**

Members Reason for Refusal



Members considered that the planning application should be refused due to concerns about the impact of the proposed development on traffic and the local highways network which it was further considered would not be resolved by the Traffic Regulation Order.  
Officer's Assessment of Members Reason for Refusal

The planning application has been called to the planning committee by a local member who considers that the scale of the development would result in significant highway issues. As detailed in the consultation section of this report principal objections received relates to the adequacy of the highway network at the bottom of Porthdafarch Road at Henddu Terrace and Mountain View. The primary concern is that the additional traffic produced by the proposed development would exacerbate existing congestion and a lack of visibility of oncoming vehicles which is tantamount to a single carriageway along these streets due to cars owned by occupants of the terraced houses being parked along one side of the highway.

It is material that the application site is allocated for residential purposes in the JLDP and that at part of this process the adequacy of the highway network serving the development would have been assessed in preparing the plan. It is also material that the number of dwellings proposed at 36 is 17 units (approximately 30%) less than that forecast in the JLDP.

Whilst the council's Highways Department have had concerns about the public highway leading to the application site along Henddu Terrace and Mountain View and commissioned a Transport Assessment they withdrew their objection in the September Planning Committee. This was conditional upon a requirement for a Traffic Regulation Order "TRO" for a one way street requiring that vehicles only travel in a northerly direction along Porthdafarch Road from the junction of Arthur Street to the junction with the B4545 Kingsland Road. From Kingsland Road vehicular access south along Porthdafarch Road then will only be permitted via Arthur Street which is already one way only south towards Porthdafarch Road. A TRO is a legal document which can only be prepared by the Highway Authority that restricts or prohibits the use of the highway network with the aim of improving road safety and access. As part of the statutory TRO process there will be a separate TRO consultation with local members, Holyhead Town Council and local residents. A legal agreement requiring that the developer funds the costs of the TRO process and works has been recommended as part of any planning permission granted.

In relation to members concerns about the proposed TRO the Highways Officer explained at the November Planning Committee:

- In terms of the adequacy of the turning space from Arthur Street the proposed outline design and plan shows that there is sufficient space for a bus to travel along Arthur Street with cars parked on both sides and that it would be able to turn both ways at the end of the street. Parking restrictions in the form of yellow lines would have to be imposed around the junction to ensure that the path of vehicles is not obstructed at this point; although this would result in the loss of a few parking spaces the Highways Authority believes that the one way system represents an improvement and that the application is therefore acceptable.
- As part of a separate statutory process, the proposed TRO would be consulted upon with local members, Holyhead Town Council and local residents prior to its then being presented to the Committee for approval. As part of this process the one way system would have to be shown to be workable and effective as regard vehicle flow and manoeuvrability and that further, permission would be conditional upon securing the TRO meaning that if it is not approved, then the development will not be implemented.

The applicants have worked with officer's to resolve concerns in relation to highway matters with various solutions and are now offering to fund the TRO process above. The applicant's have informed the Local Planning Authority of their intention to appeal against non-determination and given the extensive deliberations on highway safety matters, it is their intention is to request that the appeal be dealt with by way of a public inquiry. The applicant' have also indicated that they intend to apply for their costs for the appeal process and will also as part of the appeal process be requesting that the financial contributions required as part of the development are reviewed.

## **Conclusion**

The application site is allocated for residential purposes in the JLDP and as part of this process the impact on the highway network will have been considered. The Highway Authority's concerns have been allayed subject to the requirement for a TRO which would be funded by the applicant as part of any planning permission granted. Given the considerations described above members are respectfully requested to reconsider their resolution to refuse and to approve the planning application in accord with the recommendation below.

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

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic and biodiversity improvements being proposed as part of the development. In addition given that affordable housing will be secured as part of the proposal it is considered that the proposal will result in a more equal and cohesive Wales.

## **Recommendation**

To grant planning permission subject to the completion of a legal agreement containing the following obligations:

Affordable Housing – Provision of 4 two bedroom affordable housing units to be sold as such on the open market or to a Registered Social Landlord (Plots 29, 30, 31 and 32).

Open Space – Provision of 972m<sup>2</sup> of equipped play space (including full details of equipment to be provided) and 1450m<sup>2</sup> of open space. Details of the maintenance and long term management of these areas including associated boundaries shall be approved by the Local Planning Authority prior to their use.

Education - A financial contribution of £73, 542 towards providing educational provision at Ysgol Kingsland.

Traffic Regulation Order "TRO" – The developer is responsible for undertaking a pre-order consultation and submitting this information along with full design details of the TRO required under planning condition (24) to the Highways Authority. The Highways Authority will then submit the order and we will arrange for it to be put in place, if approved. The developer will be liable to pay the costs of the TRO and this is a sum to be agreed when a final design has been submitted and agreed.

Thereafter that planning permission is granted subject to the following planning conditions:

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

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

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:  
Location/ Block Plan Existing 1461-A3-01

Location/ Block Plan Existing 1461-A3-02  
House Type A (Gogarth) Proposed Elevations 1461-A3-03  
House Type A (Gogarth) Proposed Ground Floor Plan 1461-A3-03  
House Type A (Gogarth) Proposed First Floor Plan 1461-A3-05  
House Type B (Piscar) Proposed Elevations 1461-A3-06  
House Type B (Piscar) Proposed Floor Plan 1461-A3-07  
House Type D Proposed Elevations 1461-A3-08  
House Type D Proposed Ground & First Floor Plan 1461-A3-13  
Typical cross section through Road/ boundary wall 1461-A3-13  
Location/ Block Plan Proposed 1461-A3-14  
Proposed Landscape Strategy Plan 2019048/LSP/01  
Reptile and Breeding Bird Survey (January 2020) Egniol  
Technical Note (14 June 2019) SCP  
Technical Note (14 September 2020) SCP  
Design and Access and Planning Statement (November 2019) Cadnant Planning  
Habitat Assessment four Choughs (September 2018) Egniol.

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 which shall be submitted to and approved in writing by the Local Planning Authority. The relevant parts of the application site shall thereafter be remediated in accordance with the scheme of remediation approved under the provisions of this planning condition.

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

(04) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

(05) 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 with the approved slab and ground levels.

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

(06) No development shall commence until full details of all external materials (including roofing materials) and finishes (which shall include such details for all building(s)), Hard Landscaped Areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved. Hard Landscaped Area means drives, paths and other permeable or hard surfaced areas.

Reason: In the interests of visual amenities of the locality and to conserve and enhance the Area of Outstanding Natural Beauty.

(07) The provisions of Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any amendment or Order re-voking or re-enacting that Order) are hereby excluded on plots 1, 2, 3 and 4.

Reason In the interests of the amenities of the existing residential properties in proximity.

(08) Notwithstanding the plans hereby approved no development shall take place until full details of a scheme indicating all of the proposed means of enclosure around and within the application site whether by means of walls or fences has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed or erected prior to the occupation of the dwelling(s) to which it relates and it shall thereafter be retained in the lifetime of the development hereby approved and any replacement wall or fencing shall be to an equivalent specification.

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

(09) Notwithstanding the plans hereby approved no development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

(a) A Landscaping Scheme for the development hereby approved which provides for the retention of existing trees, hedges and retention/provision of landscape areas/features identified as mitigation, compensation and enhancement in the Reptile and Breeding Bird Survey (January 2020) Egniol. The Landscaping Scheme to be submitted shall show the proposed planting including species, size and their density and distinguish trees, hedges and other existing landscape areas/features to be retained showing where applicable their species, spread and maturity together with measures for protection in the course of the development hereby approved.

(b) A Management Plan which includes a method statement and detailed measures for the maintenance and monitoring of the Landscaping Scheme approved under the provisions of 10(a).

The Landscaping Scheme and Management Plan to be approved in writing under the provisions of this planning condition shall be implemented not later than the first planting season following the occupation of the development hereby approved or its completion, whichever is the sooner. The provisions of the Management Plan shall where applicable under the provisions of the scheme to be approved in writing under 10(b) above be maintained for the lifetime of the development hereby approved.

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

(10) 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.

(11) 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 and, as a minimum, shall include detail of:

The sustainability of the construction methods to be employed;

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.

Precautionary reasonable avoidance measures "RAMS" for protected species.

Existing hedge and tree protection measures.

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

Monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards.

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, landscape, local ecology and local amenity.

(12)

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).

(13) The development hereby approved shall not commence until the Local Planning Authority have approved in writing a scheme of works which shall be based on a topographical survey in respect of the following:

i. The re-alignment and reinstatement of stone walls along the frontage of the application site to provide visibility splays of 2.4 metres by 70 metres either side of the proposed vehicular access to the development from the public highway.

ii. Provision of a minimum 2 metre pedestrian footway long the whole frontage of the application site and thereafter from the proposed vehicular access of the development hereby approved to the existing pavement at the existing vehicular entrance to the Cae Rhos estate.

No other part of the development hereby approved shall commence until those works to be approved in writing under the provisions of (i) and (ii) of this planning condition have been implemented and completed.

Reason To provide adequate inter-visibility between the vehicular access of the development and the existing public highway and to minimise danger and inconvenience to users of the highway and the development. Also to conserve and enhance the Area of Outstanding Natural Beauty.

(14) The vehicular access to the development hereby approved shall be constructed with 2.4 metre by 70 metre splays on either side.

Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway of the public highway shall be permitted at any time.

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

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

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

(16) The vehicular access to the development hereby approved shall be constructed with its gradient not exceeding 1 in 20 for the first 5 meters back from the nearside edge of the adjoining carriageway of the public highway.

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

(17) The vehicular access to the development hereby approved shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the public highway.

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

(18) No surface water from the development shall discharge onto the public highway. No development shall commence until full design details for the surface water drainage of the development have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented and is fully operational.

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

(19) No development shall commence until plans have been submitted to and approved in writing by the local planning authority showing full specifications of the following:

- longitudinal and cross section through the service road showing the proposed road levels relative to the existing and proposed ground levels.
- the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall.
- the location and the type of highway street lighting furniture.

The development hereby approved shall be completed in accord with details to be approved under the provisions of this planning condition.

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

(20) The estate road(s) and its access shall be designed and constructed in accordance with 'Residential Road Adoption requirements, Anglesey' (Copy enclosed with this decision notice).

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

(21) The estate road(s) shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the development.

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

(22) 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 construction of the development hereby approved 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 CTMP.

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

(23) The dwelling(s) hereby approved shall not be occupied until the car parking space(s) for those dwelling(s) have been completed. The car parking spaces(s) shall be retained for these purposes in the lifetime of the development hereby approved.

Reason: To ensure that the development does not result in any road / parking problems.

(24) No development shall commence until a Traffic Regulation Order "TRO" for a one way street requiring that vehicles only travel in a northerly direction along Porthdafarch Road from the junction of Arthur Street to the junction with the B4545 Kingsland Road has been secured by the Local Highway Authority.

Reason To mitigate the additional traffic generated by the proposed development which would be detrimental to the free flow of traffic and road 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: PS 1, ISA 1, ISA 5, PS 4, TRA 2, TRA 4, PS 5, PS 6, PCYFF 1, PCYFF 2, PCYFF 3, PCYFF 4, PCYFF 6, TAI 1, TAI 8, TAI 15, AMG 1, AMG 3, AMG 5, PS 19, PS 20, AT 4.

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

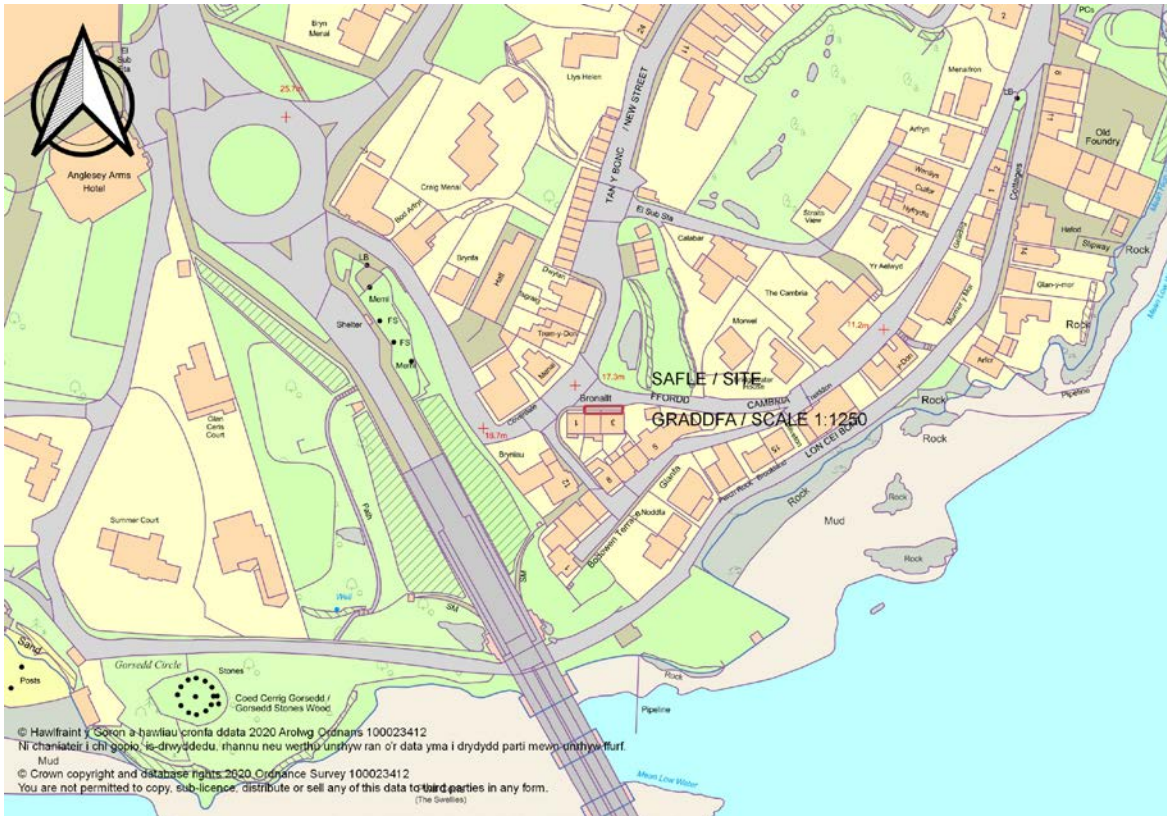


Application Reference: FPL/2020/92

Applicant: Mr M Altab

Description: Full application for the creation of 2 parking spaces at

Site Address: 3 Bronallt, Ffordd Cambria Road, Porthaethwy / Menai Bridge



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

Recommendation: Permit

### 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 4<sup>th</sup> November, 2020 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reasons being as follows:

- The proposal is contrary to JLDP policy PS 20 which states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets.

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;

- Policy PS 20: Preserving and Where Appropriate Enhancing Heritage Assets

The application site is located within the designated Conservation Area, consequently the Conservation Officer was consulted on the proposals.

The Conservation Officers response noted that the existing boundary walls were in poor condition and of low architectural or historic interest which do not make a significant contribution to the character and appearance of the Conservation Area. He further commented that their removal may provide an opportunity to enhance the Conservation Area.

In light of the Conservation Officer's comments in relation to the proposed development, it is not therefore considered that the proposal conflicts with the requirements of policy PS 20 of the JLDP.

## **Conclusion**

The proposal is considered to be acceptable and it is not considered that the proposal will have a detrimental impact upon pedestrian or highway safety or upon the character and appearance of the designated Conservation Area.

## **Recommendation**

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

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

**(02) The car parking accommodation shall be completed in full accordance with the details as shown on drawing reference OBS-2018-057-PD001 before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

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

**(03) No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.**

Reason: In order to ensure that the development is adequately drained.

**(04) 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:**

- **Proposed Parking Drawing: OBS-2018-057-PD001**

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

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

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