

Application Reference: OP/2020/6

Applicant: Mrs R Pritchard

Description: Outline application for the erection of 31 new Residential Dwellings together with full details of a new estate road at

Site Address: Land Adjacent to Roebuck Estate, Llanfachraeth, Holyhead



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

Recommendation: Refuse

**Reason for Reporting to Committee**

The planning application has been called to the Committee by local members.

**Proposal and Site**

The application site comprises two fields almost completely surrounded by built development which are subdivided by a 'ditch'. The north and east of the application site is abutted by the Roebuck and Parc Llynnon residential estates. To the west the application site is abutted by the rear of properties facing the A5025 and the area to the west of the road forms part of the Area of Outstanding Natural Beauty "AONB".

The planning application is made for 31 dwellings and is therefore a major development and a Pre-Application Consultation (PAC) was undertaken prior to the submission of the planning application, the result of which accompany the planning application. This is an outline planning application with the access, appearance, layout and scale included for consideration with landscaping excluded. Detailed plans are provided of 8 types of two storey semi and detached dwellings providing 2, 3 and 4 bedroom accommodation. Access to the development would be from the A5025 and then through the estate road which presently serves properties on the Roebuck residential estate.

The planning application is accompanied by a Flood Risk Assessment & Drainage Strategy for both foul and surface water drainage. In relation to surface water drainage it is explained that ground infiltration is unsuitable and surface water drainage from the individual houses and the road will be attenuated and then discharged at an attenuated greenfield rate into the river dividing the application site which will be replaced by a concrete u channel. This channel will then discharge into a culvert under the A5025 and thereafter into the Afon Alaw. It is explained that there is an established right to discharge surface water through this existing culvert at a greenfield drainage rate. It is explained in the report that the council's Highways Department are aware of damaged concrete pipes forming part of this culvert downstream and that it is understood that a solution to address these matters will be implemented in a separate Highway Authority scheme in the summer of 2020. It is also understood that surface from the Parc Llynnon Estate currently discharges at an un-attenuated rate onto the application site and that the surface water drainage arrangements described will also accommodate the disposal of this surface water. It is also explained that these surface water drainage arrangements have been designed to allow the highway authority to be able to address flooding at Parc Llynnon by increasing the size of the outflow pipe from this development. Foul drainage from the development is shown to be connected via gravity to the public sewer which is in separate ownership to the west and east of the application site under Welsh Water powers.

### **Key Issues**

- Principle of Residential Development
- Relationship of the Development with Surroundings
- Residential Amenity
- Archaeology
- Ecology and Biodiversity
- Foul & Surface Water Drainage

### **Policies**

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

Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 “JLDP”

PS 1: Welsh Language and Culture

ISA 1: Infrastructure Provision

ISA 2: Community Facilities

ISA 5: Provision of Open Space in New Housing Developments

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

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

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PCYFF 6: Water Conservation

PS 17: Settlement Strategy

TAI 4: Housing in Local, Rural & Coastal Villages

TAI 8: Appropriate Housing Mix  
TAI 15: Affordable Housing Threshold & Distribution  
PS19 Conserving and Where Appropriate Enhancing the Natural Environment  
PS 20 Preserving and where appropriate Enhancing Heritage Assets  
AMG 1: AONB Management Plans  
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character  
AMG 5: Local Biodiversity Conservation  
PS 19: Conserving and where appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 10)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)  
Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)  
Technical Advice Note Wales TAN 11 Noise (1997)  
Technical Advice Note (TAN) 12: Design (2016)  
Technical Advice Note (TAN) 15: Development and Flood Risk (2004)  
Technical Advice Note (TAN) 18: Transport (2007)  
Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)  
Technical Advice Note (TAN) 24: Historic Environment

Supplementary Planning Guidance IOCC Design Guide for the urban and Rural Environment (2008) "SPG Design Guide"  
Planning and Welsh Language (2007)  
Supplementary Planning Guidance Parking Standards (2008)  
Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2008)  
Supplementary Planning Guidance Housing Mix (October 2008)  
Supplementary Planning Guidance Affordable Housing (April 2019)  
Supplementary Planning Guidance Open Spaces in New Residential Development (March 2019)

Isle of Anglesey AONB Management Plan 2015-2020.

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

Cyfoeth Naturiol Cymru / Natural Resources Wales: European Protected Species - no bats and Great Crested Newts (GCN) are present at the application site therefore no objections. Landscape - Landscape The development site lies within 25metres from Anglesey Area of Outstanding Natural Beauty (AONB) where the primary objective is the conservation and enhancement of natural beauty. We note and support comments made by your own internal landscape officer dated 20th November 2020, we have no further comments to make. Flood Risk - Our Flood Risk Map confirms the application site lies within Zone A of the Development Advice Maps (DAM) as contained in TAN15. There is a watercourse that flows through the site, this watercourse is classified as that of an ordinary watercourse and we advise that you liaise with the Lead Local Flood Authority (LLFA). The Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is also normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments. Flood Risk - We note that the intention is to dispose of foul drainage to main sewer. Confirmation from Dŵr Cymru that the sewage treatment works covering the area can cope with the additional flow that would be generated if this scheme is permitted. Dŵr Cymru will need to ensure that extra loadings can be accepted without causing a deterioration in effluent quality and without increasing the bacterial load onto the Beddmanarch – Cymyran SSSI designated shellfish waters which is 420m from site. The latest Welsh Water comments in relation to the level of any reinforcement works required to the waste water treatment works have been forwarded to NRW and an update of their comments is awaited at the time of writing.

Welsh Government (Land, Nature and Forestry Division) The Department does not hold any information on detailed agricultural land classification "ALC" surveys for the site. The Predictive ALC Map for Wales notes the site as Subgrade 3b. After reviewing the available information, an ALC survey is not

recommended for the site. The Department do not consider the best most versatile “BMV” land to be present at this site.

Prifffyrdd a Trafnidiaeth / Highways and Transportation: Comments awaited at the time of writing.

Dwr Cymru Welsh Water: Having reviewed the drainage layout plan, we note foul flows are proposed to connect into the 150mm foul public sewers crossing the proposed development site. It has been concluded that the receiving sewerage treatment works does not have the required capacity in order to accommodate the proposed development. The applicant is therefore advised that if they wish to proceed, they would need to commission a Flow and Load Survey at the Works. The risk of allowing the development to proceed in the absence of a Flow and Load survey or the delivery of any reinforcement works that may be identified in this study, could lead to both sewer flooding and/ or pollution incidences, resulting in detriment to existing customers and harm to the environment and planning conditions are recommended on this basis. In subsequent correspondence Welsh Water confirmed that the level of reinforcement works required in advance of the conclusion flow and load survey at the Works (carried out at the developer's expense). If the flow and load survey concludes sufficient capacity exists at WwTW to accommodate the anticipated foul flows associated with the development, the planning condition can be discharged. If however, the subsequent Developer Impact Assessment (DIA) identifies reinforcement works are required, we will carry out the reinforcement works at the developer's expense and only recommend full discharge of the planning condition following the completion of the reinforcement works. Dwr Cymru own Llanfachraeth WwTW site and so would expect any solution(s) identified as part of the flow and load survey to be deliverable. Our recommended planning condition has been established in case law. We also note the 100mm foul public rising main would be situated within the rear garden of three properties. Please note, we require unfettered access to our apparatus and so there would be a requirement to divert the rising main/ or alternatively amend the site layout to take the location of the 100mm rising main into account.

Iechyd yr Amgylchedd / Environmental Health: Stipulations listed in relation to working hours, rock breaking and contaminated land.

Ymgynghorydd Treftadaeth / Heritage Advisor: The proposed development is unlikely to result in a significant adverse impact on the setting of the grade II listed Bryn Glas house situated to the NW extent of the site.

Ymgynghorydd Tirwedd / Landscape Advisor: As a site within the development boundary almost completely enclosed by development, the proposal would not affect local landscape character or qualities or features identified in the LCA description or LANDMAP. The hedge on the eastern boundary is not marked on proposed site plan such that it will clearly be retained as a buffer with Parc Llynon. A property to the northwest (25) and another to the southeast (7) appear to impinge on the existing boundary hedgerow. All vegetation shown on the topographical survey which is to be retained should be illustrated on the proposed site plan. Where retention is not proposed, it should be indicated for removal although the policy preference is that existing boundary vegetation is retained and which is largely achievable in the layout proposed, Plots 25 and 7 should be reconsidered. Removal of the internal ditch habitat is considered by others: the gorse from a landscape/landscaping perspective is probably unsuitable to retain within gardens or recreational space in a compact residential development. Landscaping is not part of this Outline proposal and the proposed planting is indicative only. This should be worked up into a properly detailed landscape scheme by a landscape architect in line with policy requirements and complement any future SUDS application to others.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: In view of the Council's duty under Section 6 of the Environment Wales Act (2016) to seek to maintain and enhance biodiversity whilst carrying out its functions, and instructions from the Chief Planner to Heads of Planning (Oct 2019) on application of this duty in planning cases, the present proposal as presented is problematical. It would lead to the loss of a locally significant area of habitat relevant to Section 7 of the Act. Although the Assessment gives a number of suggestions as to how some ecological mitigation could be provided, it is clear that the overall loss of this priority habitat would represent a local loss of

biodiversity, and as such the Act and the Chief's Planner's specific instructions for application of Section 6 in Planning cases mean that unchanged and in its present form there would appear to be grounds for refusal as significant changes are suggested to be required to resolve the overall loss of biodiversity.

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit: Policy considerations are listed, key points as follows:

- The proposed development on its own would therefore mean that Llanfachraeth would exceed its indicative supply, which is further exacerbated by the existing units in the landbank and the units that have been completed in the village since the base date of the JLDP.
- Whilst it can be considered, based on completion rates within the Villages, Clusters and Countryside category (April 2019 information) that such a proposal would be acceptable, the suitability of a development on this scale within a Local Village should be considered. It would mean the Village's indicative supply would be exceeded within a single development. It is noted that Policy TAI 4 states that size, scale, type and design of the development should correspond with the settlement's character. Comparatively less development is promoted to these Villages in order to protect their character and to support community need for housing or for local need affordable housing".
- Given that the settlement would meet its indicative growth level by units completed between 2011 and 2020, the completion of the existing landbank and this proposal, justification would be required with this application to outline how this proposed development would meet the needs of the local community. This could be by:
  - Presenting any marketing research work that has been undertaken i.e. that demonstrates that there is a need for this type of development in the area;
  - That the proposal meets the identified need for affordable housing;
  - That the proposal provides for specialist housing needs e.g. units for older people;
  - That the units in the landbank are not likely to be developed during the Plan period.
- In accordance with criterion 1b in Policy PS 1 'Welsh Language and Culture' given that development would provide more housing than the indicative housing provision set out for Llanfachraeth in the JLDP, a Welsh Language Statement will need to be submitted with this application. Appendix 7 of the Maintaining and Creating Distinctive and Sustainable Communities Supplementary Planning Guidance outlines the methodology for preparing a Welsh Language Statement.
- It is unclear from the information submitted what the proposed affordable provision is, neither in terms of the number of units, type of provision (such as type of residential units, number of bedrooms), tenure etc. Further information would be required to establish whether the affordable provision is deemed acceptable.
- Whilst it is acknowledged that this is an outline application, it is unclear from the information submitted the housing mix that is proposed. The adopted Housing Mix SPG (October 2018) states that a planning application for 5 or more housing units should submit a Housing Statement to support the planning application. Appendix 2 of the SPG includes a model document which could be included as part of the Housing Statement. This includes information regarding the number of different units proposed in terms of their type, bedroom numbers, tenure, number of affordable housing units etc.
- It is confirmed that there is sufficient open space provision within the community to meet the needs of this proposed development therefore no new provision of open spaces or financial contribution will be required.

Strategol Tai / Housing Strategy: No observations received at the time of writing.

GCAG / GAPS: Have determined that there is a potential for archaeological impact. The proposed development requires groundworks on land untouched by modern development, and it is therefore considered appropriate that a pre-determination assessment is completed in order to establish a more informed planning decision. In this instance the work that is recommended comes under the category of archaeological pre-determination, primarily comprising of a formal programme of archaeological evaluation known as Geophysical Survey. The geophysical survey should be supported by sufficient desk-based research to aid interpretation of any archaeological evidence encountered, and to provide context for the site. It is possible that this evaluation method is followed up by further evaluation (such as trial trenching) however this depends on the results of the survey.

Gwasanaeth Addysg / Education Service: As things stand no contribution towards education provision will be required.

Ymgynghoriadau Cynllunio YGC: No observations received at the time of writing.

Gwasanaeth Tân ac Achub Gogledd Cymru North Wales Fire and Rescue Service: No objections but stipulations are made in relation to vehicular access, turning facilities and water supplies.

Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer: No observations received at the time of writing.

Cynghorydd John Griffith: Because of local concerns regarding flooding and the impact on the foul drainage of houses adjacent and the significant increase in traffic through the Roebuck Estate I wish to call the planning application to the planning committee.

Cynghorydd Kenneth P. Hughes: Called the planning application in so that it can be considered by the planning committee. Residents of the village have concerns in terms of whether the site is suitable to build upon as it is underwater when it rains heavily and photographs in your possession show this.

Cynghorydd Llinos Medi Huws: No observations received at the time of writing.

Cyngor Cymuned Llanfachraeth Community Council: No observations received at the time of writing.

The planning application was advertised by means of individual letter of notification, site notice and press adverts were published reflecting the fact that this is a major planning application and the setting of a listed building was potentially affected. 26 objections have been received on the following grounds:

- At present the sewage system is working at full capacity. Any further development would lead to regular backup and possible flooding. This has been confirmed by the water authority. One objector expresses concern regarding the impact on the Welsh Water pumping station adjacent to their property.
- Disruption of moving the main sewer from Roebuck & Parc Llynnon.
- Concern expressed about the need to clear the surface water culver which runs under private property and thereafter the public highway in terms for the potential damage which could occur in clearing and attenuating surface water from the proposed development.
- Roebuck estate is already under severe parking pressure and will face excessive congestion if homes are built on the field. Difficulties for access by the emergency and refuse services. Problems associated with construction traffic going through the Roebuck estate are also referred to in terms of the carriageway width, obstruction by parked vehicles, the safety of pedestrians, impact on residents in terms of noise etc.
- The village struggles with traffic as is and adding more homes will make it worse.
- Impact on the visual amenities of the area including the Roebuck Estate.
- The impact of extra residents on medical and educational facilities in the area.
- The application site is a flood risk area & has been worse in recent years following the alleged removal of a hedgerow/opening up of a spring.
- The drain that runs through the middle of the field has wildlife in it.
- Devaluation of surrounding properties.
- Impact on the by-pass of the village.
- Design and Access Statement is misleading in terms of the retail, educational and other facilities etc. available in the village
- Need for the additional dwellings in the village.
- Impacts on the Welsh language.
- Impact on biodiversity and protected habitats such as newts.
- Alleged that ecological survey equipment was removed from the field resulting in the ecological survey accompanying the planning application being inconclusive.
- Anomalies, criticism etc. in Pre Application Consultation undertaken by the applicant's prior to the submission of the planning application.

- Proposed dwellings are out of character with the surrounding bungalows.
- Porosity test submitted with the submission is contradictory.
- There is no mention of affordable housing.
- Impact on privacy/overlooking of adjacent properties impact on residential amenities.
- The proposal would result in a breach of human rights to quiet enjoyment of property.
- Increase in noise levels.
- Development is overbearing.
- External materials not in keeping with surroundings.
- Loss of greenfield land.
- Stress of planning application being submitted on the application creating uncertainty.
- Local residents were not notified of the proposed development by the landowner.

### **Relevant Planning History**

27C21B - 9 affordable dwellings Withdrawn 01.11.2017

27C21A Residential development Refused 03.01.90

### **Main Planning Considerations**

**Principle of Residential Development** Having regard to the provisions of the principle Act, and as amended section 38(6) the 2004 Act and the 2015 Wales Act, if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the JLDP.

The application site is located within Llanfachraeth which is a lower order settlement designated a Local Village under the provisions of policy TAI 4 of the JLDP. Strategic Policy PS 17: Settlement Strategy states that only 25% of the Plan's growth will be within villages and clusters. The supporting text of policy TAI 4 explains that in Local Villages development will be restricted to a scale and type to address the community need for housing on windfall/infill plots within development boundaries. The JPPU's comments explain that the proposed development on its own would exceed its indicative supply for Llanfachraeth and that this is further exacerbated by the existing units in the land-bank and the units that have been completed in the village since the base date of the JLDP. On this basis the JPPU's state that justification would be required from the applicants to outline how this proposed development would meet the needs of the local community. Without this justification the proposal is considered to contravene the provisions of policies PS 17 and TAI 4.

In accordance with criterion 1b in policy PS 1 (Welsh Language and Culture) given that development would provide more housing than the indicative housing provision set out for Llanfachraeth in the JLDP, a Welsh Language Statement will need to be submitted with this application. No Welsh Language Statement has been submitted with the planning application and on this basis the proposal is considered to contravene policy PS1.

Policy TAI 15 (Affordable Housing Thresholds and Distribution) requires that housing development provides affordable housing in line with thresholds in the policy which is 20% in Llanfachraeth. The JPPU comments state that it is unclear from the information submitted what the proposed affordable provision is, neither in terms of the number of units, type of provision (such as type of residential units, number of bedrooms), tenure etc. Further information would be required to establish whether the affordable provision is deemed acceptable. Without this information the proposal is considered to contravene policy TAI 15.

Policy TAI 8 (Appropriate Housing Mix) states that the council will work with partners to promote sustainable mixed communities by ensuring that all new residential development contributes to improving . The balance of housing and meets the identified needs of the whole community by compliance with the listed criteria. The adopted Housing Mix SPG (October 218) states that a planning application for 5 or

more housing units should submit a Housing Statement to support the planning application. Appendix 2 of the SPG includes a model document which could be included as part of the Housing Statement. This includes information regarding the number of different units proposed in terms of their type, bedroom numbers, tenure, number of affordable housing units etc. Whilst it is acknowledged that this is an outline application, it is unclear from the information submitted the housing mix that is proposed and without this information the proposal is considered to contravene the provisions of policy TAI 8 and the Housing Mix SPG.

Criterion (3) within Policies PCYFF 2 and TAI 8 seek to ensure that proposals make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development. The proposal is made for 31 units and the application site is nearly a hectare in size so the proposal complies with these policies. Detailed consideration of the relationship of the development with its surroundings is undertaken below.

**Relationship of the Development with Surroundings** Policy PCYFF 2: Development Criteria, PCYFF 3: Design and Place Shaping, and PCYFF 4: Design and Landscaping are the primary policies encompass considerations in relation to the efficient use of land, requiring high quality development as detailed and requiring appropriate landscaping where relevant.

Notwithstanding the fact that the nearest residential estates at Roebuck and Parc Llynon are bungalows the urban vernacular in vicinity to the application site particularly along the A5025 is quite varied. Within this context the proposal for the two storey dwellings and in the layout shown would be acceptable in principle.

The council's Landscape Adviser states that the hedge on the eastern boundary is not marked on proposed site plan such that it will clearly be retained as a buffer with Parc Llynon. Further that the siting of specified plots will impinge on existing hedgerow notably plot 25. All vegetation shown on the topographical survey which is to be retained should also be illustrated on the proposed site plan. Without amendments to the proposals addressing these matters it is not considered that the proposal complies with the requirements of PCYFF 4. These considerations are also relevant in the assessing the ecological impacts of the development which are considered in the relevant section of this report below.

There is a grade II listed Bryn Glas house situated to the NW extent of the site. PPW states that there is a general presumption in favour of the preservation of a listed building and its setting, further for development proposals affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building and its setting. The council's Heritage Adviser states that the proposed development is unlikely to result in a significant adverse impact on the setting of this listed building and on this basis it is considered that the proposal align with the aforementioned policy requirements.

The area on the opposite side of the A5025 forms part of the Area of Outstanding Natural Beauty. Paragraph 5.3.5 of PPW explains that the primary objective of designating AONB's is the conservation and enhancement of their natural beauty. There is also a statutory requirement to have regard to the AONB Management Plan 2015-2020. The council's Landscape Adviser states that roadside development obscures any new views into the site from the A5025 and the site is not considered to affect the AONB or its setting. NRW who are the statutory consultee in relation to the AONB having regard to these comments raise no issues. Having regard to these comments it is considered that the policy and stator requirements as regards the AONB are met.

**Residential Amenity** The SPG Design Guide provides guidance on recommended distances between existing and proposed dwellings and their boundaries. The distances are recommended in order to prevent unacceptable overlooking and impacts on the outlook from the respective properties. There are a number of plots (1-7, 17-19, 24-25, 29, 30, 31) where the distance to the rear boundary is insufficient in comparison with the guidance of 10.5 metres. Side to boundary distances should be 2.5 m and side to side of dwellings should be 3.5 metres and the proposal is not generally compliant with this guidance. The

proposal is therefore not considered acceptable without amendment and/or justification having regard to the guidance.

**Archaeology** PPW and TAN 24 explain that the conservation of archaeological remains and their setting is a material consideration in determining planning applications whether those remains are scheduled monument or not. GAPS have determined that there is a potential for archaeological impact and require a pre-determination assessment is completed in order to establish a more informed planning decision as detailed in their consultation response and without this information the proposal cannot be considered having regard to the provisions of PPW and TAN 24.

**Ecology and Biodiversity** Policy AMG 5 (Local Biodiversity Conservation) states that proposed developments must protect and where appropriate enhance biodiversity by avoiding significant impacts through sensitive location of development and by creating opportunities to improve and manage habitats and landscape features. The comments of the council's EEA describe the Council's duty under Section 6 of the Environment Wales Act (2016) to seek to maintain and enhance biodiversity whilst carrying out its functions. The EEA states that mitigation measures in the Ecological Report supporting the planning application make a number of suggestions as to how some ecological mitigation could be provided, it is clear that the overall loss of this priority habitat would represent a local loss of biodiversity and in its present form there would appear to be grounds for refusal of the proposal as significant changes need to be resolved on the overall loss of biodiversity. The comments of the council's Landscape Advice above are also material here in that existing landscape features should be shown on the proposed plans and the development amended so that the specified plots do not impinge on existing hedgerow. Having regard to these considerations it is not considered that the proposal in its present form complies with policy AMG 5.

NRW's explain that the Beddmanarch – Cymyran SSSI designated shellfish waters which is 420 metres from the site, they are the statutory consultee for this protected site. It is material to consider if there are any direct or indirect effects on this designation and this is assessed below in relation to foul drainage.

**Foul & Surface Water Drainage** Foul drainage for the development will be discharged into the public sewer. Objections have been received on the basis that the public sewer in the vicinity will not be able to accommodate the additional loading from the development. Welsh Water who are the responsible organisation have also concluded that the receiving sewerage treatment works at Llanfachraeth does not have the required capacity in order to accommodate the proposed development. Their consultation response states that the applicant will have to commission a "Flow and Load Survey at the Works" which would identify any improvements requires as a basis for preventing pollution and harm to the environment.

NRW have also requested confirmation from Welsh Water that the sewage treatment works covering the area can cope with the additional flow that would be generated without causing a deterioration in effluent quality and without increasing the bacterial load onto the Beddmanarch – Cymyran SSSI. Welsh Water have confirmed on two occasions that a Grampian type planning condition can satisfactorily regulate this requirement. The condition would recommended would require a scheme for the upgrading of the waste water treatment facilities prior to the commencement of the development and thereafter none of the proposed dwellings could be occupied until the scheme approved under the requirements of this condition had been completed. Having regard to Welsh Water's recommendation which they explain is based on appeal decisions it appears that such a condition would ensure that there is no harm to the SSSI but NRW's comments as the statutory consultee on this protected site are awaited at the time of writing.

Surface water drainage proposals have been described in the introduction of this report. The stream which crosses the site would be replaced by a concrete u channel and surface water from the development would be discharged at an attenuated rate into this channel and thereafter through a culvert under the A5025 which leads to the Afon Alaw. The submitted details indicate that these proposal will result in a betterment of drainage across the site from Parc Llynnon and downstream where a separate highways scheme will shortly be implemented to address existing problems due damaged pipes downstream. Comments are still awaited from the council's Highways and Drainage Section on the

acceptability of these proposal. It is also clarified that a separate Suds Approval will be required from the Suds Approving Body (SAB) which is an arm of the council.

**Other Considerations** The comments of the council's Highways Section as regards highway safety etc are awaited at the time of writing.

The council's Education Service has confirmed that no contribution will be required towards education in the locality, this will be based on sufficient capacity being available.

Policy ISA 5: of the JLDP requires that new housing proposals for 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed development, will be expected to provide suitable open space provision in accord with the policy. The JPPU have, however, confirmed that there is sufficient open space provision within the community to meet the needs of this proposed development therefore no new provision of open spaces or financial contribution will be required.

Policy PCYFF 6 of the JLDP requires that proposals for 10 dwellings or more should be accompanied by a Water Conservation Statement. The supporting text of this policy explains that the aim of this policy is to protect and improve water resources through increased efficiency and demand management of water through water conservation measures and SUDS. Whilst the planning application is accompanied by a Flood Risk Assessment & Drainage Strategy which includes a SUDS assessment there is no supporting information including water conservation measures and without this information the proposal cannot be considered acceptable having regard to the requirements of policy PCYFF 6.

## **Conclusion**

Given the assessment above it is clear that significant amendment, additional information and justification is required to address the objections listed. Important consultee responses are also waited from NRW, Highways and the council's drainage section.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development result in a less resilient and cohesive Wales as it has not been demonstrated that the development would meet the needs of the community as described in the report. It is also considered that the development would result in ales prosperous Wales in terms of the loss of potential archaeology, biodiversity.

## **Recommendation**

That planning permission is REFUSED for the following reasons:

(01) The application site is located within Llanfachraeth which is a lower order settlement under the settlement strategy which indicates that development will be restricted to a scale and type to address the community need for housing on windfall/infill plots within development boundaries. The proposed development would exceed its indicative supply for Llanfachraeth and this is exacerbated by the existing units in the land-bank and units that have been completed in the village since the base date of the Anglesey and Gwynedd Joint Local Development Plan (2017) JLDP. The proposed development on its own would exceed its indicative supply for Llanfachraeth and that this is further exacerbated by the existing units in the land-bank and the units that have been completed in the village since the base date of the JLDP which would contravene the provisions of policies PS 17 and TAI 4 of the JLDP.

(02) Policy PS 1 of the Anglesey and Gwynedd Joint Local Development Plan (2017) requires that Welsh Language Statement is submitted for residential development which provides more than the indicative housing provision set out in policy TAI 4. No Welsh Language Statement has been submitted with the planning application and on this basis the proposal is considered to contravene policy PS1 which seeks to protect, promote and enhance the Welsh language.

(03) Policy TAI 15 (Affordable Housing Thresholds and Distribution) requires that housing development provides affordable housing in line with thresholds in the policy which is 20% in Llanfachraeth. It is unclear from the information submitted what the proposed affordable provision is proposed in terms of the number of units, mix or tenure. Without this information the proposal is considered to contravene policy TAI 15 which seeks to meet the community's needs for affordable housing.

(04) Policy TAI 8 (Appropriate Housing Mix) states that the council will work with partners to promote sustainable mixed communities by ensuring that all new residential development contributes to improving the balance of housing and meets the identified needs of the whole community by compliance with the listed criteria. The adopted Housing Mix SPG (October 2018) "SPG Housing Mix" states that a planning application for 5 or more housing units should submit a Housing Statement to support the planning application. It is unclear from the information submitted whether the housing mix in terms of type, bedroom numbers, tenure, number of affordable housing units meets these requirements and the proposal is considered to contravene the provisions of policy TAI 8 and the SPG Housing Mix.

(05) The submitted plans do not illustrate existing landscape features on the application site and it is also considered that the proposed development would also impinge on some of these landscape features. The proposal is therefore considered to contravene the provision of policy PCYFF 4 which amongst other requirements seeks to ensure that development respects, retains and complements any existing positive landscape and other features on the site.

(06) The Supplementary Planning Guidance for the Urban and Rural Environment (2008) provides guidance on recommended distances between existing and proposed dwellings and their boundaries. The distances recommended in the guidance are intended to prevent unacceptable overlooking and impacts on the outlook from the respective properties. There are a number of plots forming part of the development where the guidance is not met and the proposal is therefore not considered acceptable having regard to this guidance.

(07) Planning Policy Wales (Edition 10) "PPW" and Technical advice note "TAN 24" The historic environment (2017) explain that the conservation of archaeological remains and their setting is a material consideration in determining planning applications whether those remains are scheduled monument or not. Gwynedd Archaeological Planning Service have determined that there is a potential for archaeological impact and require a pre-determination assessment and without this information the proposal cannot be considered having regard to the provisions of PPW and TAN 24.

(08) Policy AMG 5 (Local Biodiversity Conservation) "AMG 5" states that proposed developments must protect and where appropriate enhance biodiversity by avoiding significant impacts through sensitive location of development and by creating opportunities to improve and manage habitats and landscape features. The overall loss of the priority habitat on the application site and landscape features would represent a local loss of biodiversity and this would contravene the provisions of policy AMG 5.

(09) Policy PCYFF 6 of the JLDP requires that proposals for 10 dwellings or more should be accompanied by a Water Conservation Statement, the aim of this policy is to protect and improve water resources through increased efficiency and demand management of water through water conservation measures and SUDS. Whilst the planning application is accompanied by a Flood Risk Assessment & Drainage Strategy which includes a SUDS assessment there is no supporting information including water conservation measures and without this information the proposal cannot be considered acceptable having regard to the requirements of policy PCYFF 6.

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

**Application Reference: FPL/2020/264**

**Applicant:** Pennaeth Prifffyrdd, Gwastraff ac Eiddo / Head of Highways, Waste and Property

**Description:** Full application for the erection of 8 business units (Class B1, B2 and B8), construction of soft and hard landscaping together with associated works on land at

**Site Address:** Former Heliport Site, Penrhos Industrial Estate, Penrhos, Holyhead



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The Isle of Anglesey Council is the applicant.

**Proposal and Site**

The application site comprises previously developed land located on the Penrhos Industrial Estate. The application site amounts to an area of 0.58 hectares.

The application sites is bounded by existing retail properties to the west (Morrison's) and north west. To the east there are existing industrial units forming part of the Penrhos Industrial Estate. To the south east there is the Welsh Water waste water treatment plant.

This is a full planning application is made for 8 business units for B1, B2 and B8 industrial purposes with floor area measured externally of 933 M2.

### **Key Issues**

- Principle of Development on an Industrial Allocation
- Impact of the development on the Character and Appearance of the Area and the Area of Outstanding Natural Beauty

### **Policies**

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

Joint Local Development Plan

PS 1: Welsh Language and Culture

ISA 1: Infrastructure Provision

PS 4: Sustainable Transport, Development and Accessibility

TRA 2 Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PS 6: Alleviating and Adapting to the Effects OF Climate Change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PCYFF 5: Carbon Management

PCYFF 6: Water Conservation

PS 7: Renewable Energy Technology

PS 13: Providing Opportunity for a Flourishing Economy

CYF 1: Safeguarding, Allocating and Reserving Land and Units for Employment Use

PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

PS 20: Preserving and where appropriate enhancing heritage asset

AMG1: Area of Outstanding Natural Beauty Management Plans

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

AMG 5: Local Biodiversity Conservation

Planning Policy Wales Edition 9 (2016) "PPW"

Technical Advice Note 5 Nature Conservation and Planning (2009) "TAN 5"

Technical Advice Note (TAN) 12: Design (2016) "TAN 12"

Technical Advice Note (TAN) 18: Transport (2007) "TAN 18"

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017) "TAN 20"

Technical Advice Note (TAN) 23: Economic Development (2014)

'Maintaining Distinctive and Sustainable Communities' Supplementary Planning Guidance (SPG) (adopted July 2019)

Isle of Anglesey Council AONB Management Plan 2015-2020o

## Response to Consultation and Publicity

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit: General policies are listed. The proposed development is located on the Penrhos Industrial Estate which has been designated as a 'primary' employment site under Policy CYF 1 of the JLDP for B2 and B8 uses. Whilst the site is not safeguarded for B1 use it is considered that the principle of this use, and the proposal in general is acceptable under Policy CYF 1. The site is also located immediately adjacent to the AONB and policy considerations are listed. Policy requirements in relation to the Welsh language are described and information requested on how consideration was given Welsh language in formulating the proposals.

Ymgynghoriadau Cynllunio YGC: Observations awaited at the time of writing.

Dwr Cymru Welsh Water: Observations awaited at the time of writing.

Priffyrdd a Trafnidiaeth / Highways and Transportation: Observations awaited at the time of writing.

Iechyd yr Amgylchedd / Environmental Health: General considerations in relation to working hours and construction listed. Contaminated land condition recommended.

Cynghorydd Glyn Haynes: Observations awaited at the time of writing.

Cynghorydd Robert Llewelyn Jones: This is what we need in order to encourage our small developers to be able to grow. I am sure there will be a lot of interest.

Cyngor Tref Caergybi / Holyhead Town Council: Observations awaited at the time of writing.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: There are two recommendations for further protected species information in relation to bats and newts a number of ecological matters are raised reptiles, compatibility with ecological planning conditions attached to planning permission 19LPA1023B/CC.

GCAG / GAPS: Whilst there is a general potential for archaeology in the locality, as well as a notable potential for remains owing to the density of known archaeological features just south-west of the A55 at Parc Cybi, there seems to be no clear indication of any concerns for this particular site. Historic investigations in the area associated with the industrial estate have suggested there is a low potential for unknown sites, and much of the landscaping already undertaken as part of the gradual development of the estate means it is unlikely that any material still remains.

Gwasanaeth Tân ac Achub Gogledd Cymru North Wales Fire and Rescue Service: No observations.

Uned Datblygu Economaidd / Economic Development Unit: No response at the time of writing.

Cyfoeth Naturiol Cymru / Natural Resources Wales: Observations awaited at the time of writing.

Ymgynghorydd Tirwedd / Landscape Advisor: The site is within Landscape Character Area 2: Holy Island, in an area considered in LANDMAP to be of lower landscape value. Conditions on the external colour of the building will be necessary in order not to add to the prominence of the buildings at the edge of the estate and conserve views from the AONB.

Welsh Government (Highways): Observations awaited at the time of writing.

The proposal was advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The publicity period expired on the 04.02.21. At the time of writing no observations have been received.

## Relevant Planning History

DIS/2019/96 - Application to discharge condition (03)(Drainage Scheme) and part of condition (08)(Surface water drainage details) of planning permission 19LPA1023B/CC Discharged 17.10.2019.

19LPA1023C/DIS/CC - Application to discharge conditions (03) (Drainage scheme) (08) (Surface water drainage and lighting) (14) (Slab level) (15) (Lighting Scheme) (16) (External materials and finishes) (18) (Landscaping details) Discharged 20.01.2019.

19LPA1023B/CC - Full application for the erection of 10 unit business (Class B1, B2 and B8) Permitted 10.04.2018.

19LPA1023A/CC Full application for the erection of 10 flexible business units together with associated parking and service yard, landscaping, electrical vehicle charging point, solar panels and two bin/recycling and cycling stores, conditionally approved 07.12.2015

46LPA910/CC Demolition of heliport buildings, the change of use of land to a civic amenity site and waste transfer station together with the siting of two portable buildings and the installation of a weighbridge, conditionally approved 04.08.09.

19LPA1023/SCR/CC – Screening opinion for the erection of business units, EIA not required 30.09.15.

## **Main Planning Considerations**

**Principle of Industrial Development on the Application Site** The application site is located within the settlement boundary of Holyhead under the provisions of PCYFF 1 of the JLDP. Strategic policy PS 13 of the JLDP states that the council will facilitate economic growth by safeguarding and allocating sites and land for employment /business purposes under the provisions of CYF 1. The application site is allocated as proposal C10 under the provisions of CYF 1 which safeguards land for employment industrial purposes.

Planning permission has been granted on the site immediately abutting to the west (19LPA1023B/CC) for 10 business units and construction of these is substantially complete. The proposal subject to this application comprise a second phase of this development.

The application site also comprises previously developed land and it government policy in section 4.9 of PPW on the grounds of sustainability to re-use such sites in existing settlements where there is vacant or under-used land for suitable uses such as that being applied for.

Given the considerations described above and that planning permission has previously been granted for industrial development the principle is clearly acceptable.

**Impact of the development on the Character and Appearance of the Area and the Area of Outstanding Natural Beauty** The boundary of the AONB at the nearest point runs along the railway line to the south west. The AONB also borders the northern boundary of the Penrhos Industrial Estate near Penrhos Beach. Whilst the application site is not within the AONB the impact on the setting of the AONB to the south west and the north is a material consideration. Paragraph 5.3.5 of PPW explains that the primary objective of designating AONB's is the conservation and enhancement of their natural beauty. Development Management decisions affecting AONB's should favour conservation of natural beauty, although it will be appropriate to have regard to the economic and social well-being of the areas.

The application site is surrounded by existing commercial/industrial and developments and a waste water treatment plant which limits views of the site from the AONB. Immediately abutting to the west is the first phase of this development which partially encloses this second phase of development in views from the AONB to the west. The application also comprises previously developed land where the principle of industrial development has clearly been established in the planning history and by the allocation under CYF 1 of the JLDP and there is thus an expectation that the application site will come forward for industrial development. These are significant material considerations which not only establish the principle of development in proximity to the AONB but are also significant economic and social well-being considerations which it are appropriate to weight in assessments of the proposal under the relevant provisions of PPW as described in the preceding paragraph. Comments are awaited from NRW but it is clear that there are limited views of the proposal from the AONB and that the proposal will enhance previously developed land, will be high quality in external appearance in conjunction with landscaping.

There is a statutory requirement for the LPA to have regard to the AONB purposes. Regard has been taken of these statutory requirements in terms of the use of appropriate external materials, enhancing the application site via landscaping.

**Other Material Considerations** In terms of ecology the council's EEA has requested further protected species information in relation to bats and newts a number of ecological matters are raised reptiles, compatibility with ecological planning conditions attached to planning permission.19LPA1023B/CC. These aforementioned issues are ongoing with the applicant's at the time of writing and comments are also awaited from NRW. The landscaping proposals will provide ecological enhancements as required under the Environment Act but could change as a result of the ongoing ecological discussions.

Information is requested at the time of writing to show how consideration has been given to the language in formulating the proposals in accord with material guidance 'Maintaining Distinctive and Sustainable Communities' Supplementary Planning Guidance (SPG) (adopted July 2019).

A number of consultation response are awaited and these will be reported verbally at the planning committee.

### **Conclusion**

The principle of industrial development is clearly acceptable. The proposed development is in proximity to the AONB and it is considered that the proposed development conserves and enhances this statutorily designated landscape but comments are awaited from landscape consultees at the time of writing. Outstanding matters remain in terms of the ecological matters described in the report and information has been requested in terms of the Welsh language.

### **Recommendation**

That planning permission is permitted subject to the planning conditions listed below:

(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:

Phase 2 Location Plan December 2020

General Arrangement & Setting Out 20264/401 P1

Road 3 Vertical Alignment & Site Section 20264/402 P1

Site Sections 20264/403 P1

Surfacing Layout & Construction Details 20264/404 P1

Drainage Layout 20264/501 P1

Drainage Details Sheet 1 20264/502 P1

Drainage Details Sheet 2 20264/503 P1

Drainage Details Sheet 3 20264/504 P1

39696-WOOD-XX-P2-DR-A-0002\_S4\_P01

Proposed Floor and Roof Plan 39696-WOOD-XX-P2-DR-A-0003 P01

Proposed Elevations 39696-WOOD-XX-P2-DR-A-0004 P01

Phase 2 GA Bin Store General Plans & Elevations

39696-WOOD-XX-P2-DR-A-0005\_S4\_P01

39696-WOOD-XX-DR-LA-6010 Rev A

Soft Landscaping Plan 39696-WOOD-XX-DR-LA-6011 Rev A

Preliminary Ecological Appraisal (November 2020)

Drainage Statement for Full Planning Application for the Development of Block C at Penrhos Industrial Estate (November 2020)

Planning Statement No. 2 21/12/20

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

(03) Notwithstanding the details hereby approved no development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and surrounding land have been submitted to an approved in writing by the Local Planning Authority. The development shall be constructed in accord with the slab and proposed levels approved under the provisions of this condition.

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

(04) No development shall commence until full details of a lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the scheme approved under the provisions of this condition and shall be operational before the use hereby permitted is commenced and then operated and maintained in accordance with the approved scheme for the lifetime of the development.

Reason: To conserve the Area of Outstanding Natural Beauty and safeguard ecology, highway safety and prevent of light pollution.

(05) Notwithstanding the details hereby approved no development shall commence until full details of all external materials and finishes (which shall include such details for all building(s)), Hard Landscaped Areas, engineering operations, fencing and 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.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(06) The landscaping scheme as shown on drawing number 39696-WOOD-XX-DR-LA-6011 Rev A shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.

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

(07) Any tree 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 species, size and maturity to be approved by the Local Planning Authority.

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

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

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

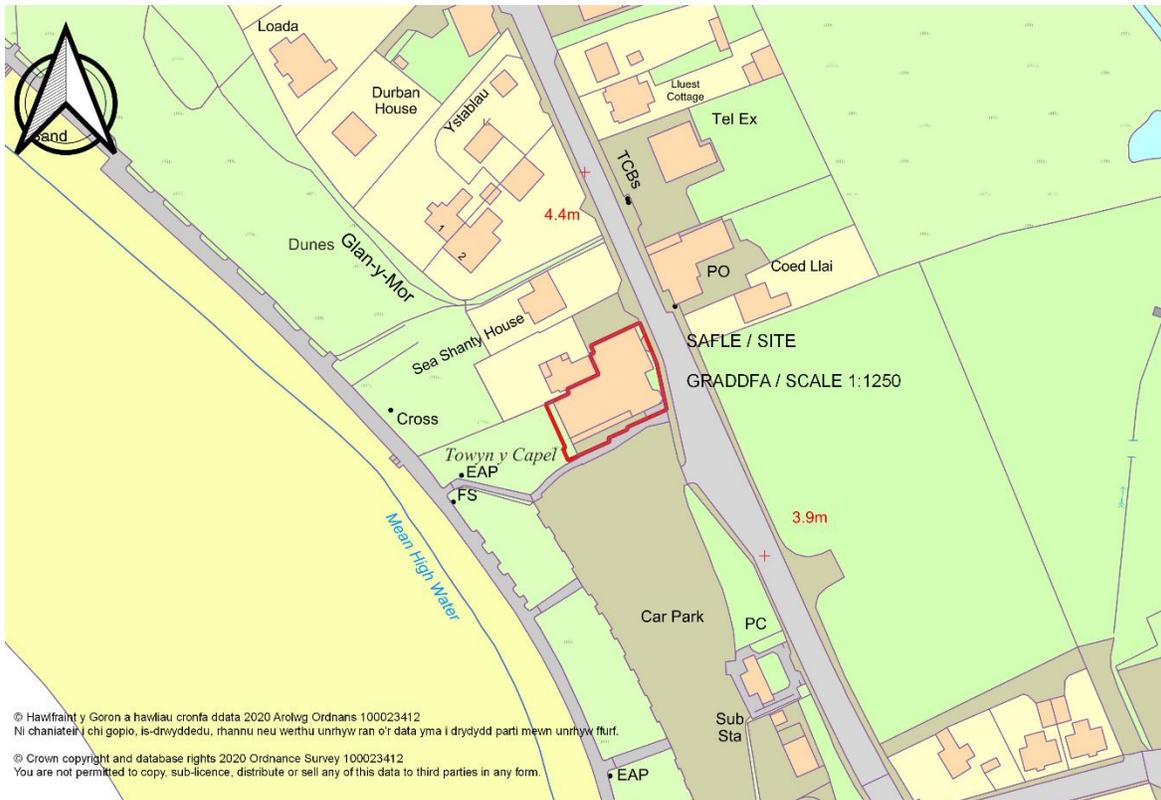
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/195

Applicant: Mr Phil Brown

Description: Full application for alterations and extensions at

Site Address: Sea Shanty Cafe, Lon St Ffraid, Trearddur Bay



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

**Recommendation:** Permit

### Reason for Reporting to Committee

The planning application encompasses council owned land.

### Proposal and Site

This full planning application is submitted at the Sea Shanty which is a café bar located off Lon St Ffraid in a central location in the settlement of Trearddur Bay. To the south of the Sea Shanty there is an existing public car park. To the west there are sand dunes and the foreshore.

There are two proposals subject to this planning application:

- An extension to the existing which encompasses part of an existing raised decked area on the southern elevation facing the existing car park.

- Provision of a decked area on the western elevation of the building to provide additional outside seating areas. This area would extend west around 3.2 metres along the whole length of this side of the building and would entail removing part of the existing sand dunes (amounting to an area of around 35m<sup>2</sup> according to the submission) and then erecting a retaining structure of 0.6m in height built with railway sleepers along the new boundary.

The planning application is accompanied by an ecological report and a flood consequences assessment and an update thereof. The planning application is also supported by which details the economic and other benefits which the Sea Shanty has provided and explains why the proposed conservatory and outdoor decking area is required to meet social distancing requirements in the current Covid pandemic so as to preserve the business and mitigate revenue loss. A Welsh Language Statement and a supporting letter explaining that the Sea Shanty provides training and jobs for young Welsh people was also submitted.

### **Key Issues**

- Principle of the development having regard to material planning policy provisions.
- Flood risk having regard to Technical Advice Note 15.
- Landscape considerations
- Ecological considerations.

### **Policies**

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

Joint Local Development Plan

PS 1 (Welsh Language and Culture)

TRA 2 (Parking Standards)

TRA 4 (Managing Transport Impacts)

PS 5 (Sustainable Development)

PCYFF 1 (Development Boundaries)

PCYFF 2 (Development Criteria)

PCYFF 3 (Design and Place Shaping)

PCYFF 4 (Design and Landscaping)

MAN 5 (New Retaining in Villages)

PS 19 (Conserving and Where Appropriate Enhancing the Natural Environment)

AMG 1 (Area of Outstanding Natural Beauty Management Plans)

AMG 3 Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character)

AMG 4 (Coastal Protection)

AMG 5 (Local Biodiversity Conservation)

Planning Policy Wales (Edition 10)

Technical Advice Note 4 Retail and Commercial Development

Technical Advice Note 5 Nature Conservation and Planning "TAN 5"

Technical Advice Note 12 Design

Technical Advice Note 13 Tourism

Technical Advice Note 14 Coastal Planning

Technical Advice Note 15 Development and Flood Risk "TAN 15"

Technical Advice Note 16 Sport Recreation and Open Space

Technical Advice Note 20 Planning and the Welsh Language

Technical Advice Note 23 Economic Development

Supplementary Planning Guidance - Maintaining and Creating Distinctive and Sustainable Communities Design Guide for the Urban and Rural Environment

## Parking Standards

Building Better Places – Placemaking and the Covid-19 Recovery (July 2020) Welsh Government

Isle of Anglesey Council AONB Management Plan 2015-2020

### Response to Consultation and Publicity

Cynghorydd Dafydd Rhys Thomas: Support, whilst there was some local opposition and controversy regarding the original planning application for the building of the Sea Shanty cafe some years ago. The Sea Shanty has been a great asset to our village. It has made the village a thriving vibrant place and many businesses have benefited e.g. the Post Office, garage shops and indeed other hospitality venues. Even on dark out of season winter days the Sea Shanty brings people to the bay from near and far afield. The Sea Shanty also is important to the economy as many as 60 staff are trained and employed including many young people and local suppliers also benefit greatly. The Sea Shanty is more than a cafe it's a fascinating place to visit and enjoy. There is tremendous attention to detail in the development and has been completed to the highest standards. The owner regularly maintains the building. I can understand the concerns about our environment in this very sensitive area but the increase to the footprint is not large and I am sure the applicant and our environmental officers will minimise any adverse effects and indeed will provide mitigation.

Cynghorydd John Arwel Roberts: The application states it's not in a flood plain ? I have concerns about the increase of water coming off the proposed extension on the roof, can the drainage cope? If approved would we see another application in a few years time to enclose the rest of the veranda hence further increasing the amount of water going into a soak away. The car park floods from time to time due to high tides and strong winds. If the authority are happy with the soakaway etc. then I would have no objection on the grounds of tourism and employment, however, if you have concerns then I would ask for a site visit.

The area surrounding the Sea Shanty is crucial to the environment and has taken years to grow back to what it should be and would hope that no new paths etc. are included in the plan.

Cynghorydd Trefor Lloyd Hughes: No observations received.

Trearddur Community Council: Can it be noted please that Trearddur Community Council is opposed to this application for the following reasons:

1. Concerns that the development is eroding the sand dunes and extending the building line along the beach front,
2. The detrimental affect on the habitat and loss of marram grass
3. The risk of weakening the natural sea defences in a flood risk area (TAN 15)
4. We do not believe the applicant owns or has lease of this area.

The Community Council have previously objected to this application on the following grounds: 1. Concerns that the development is eroding the sand dunes and extending the building line along the beach front, 2. The detrimental affect on the habitat and loss of marram grass 3. The risk of weakening the natural sea defences in a flood risk area (TAN 15) 4. We do not believe the applicant owns or has lease of this area. (They would require a lease from Isle of Anglesey County Council) These objections still stand. The County Council supplied the link to the update of TAN 15 regarding coastal flooding and erosion and the Community Council has concerns that any further development within the dunes could result in further risks of coastal flooding and erosion as outlined by the Wales Government. 1. The development site is on the edge of a flood plane 2. Removal of a greater part of the sand dunes has already increased the flooding potential in this area and the County Council are well aware of our continued concerns from previous reporting on : (a) The regular flooding of the adjacent car park together with its associated affects on the unprotected Lon Isallt (b) A flood alleviation scheme that has been put in place to try and keep Ravenspoint Road and the B4525 Road clear is in this area (c) The previous need for a new promenade and sea wall due to wave intensity, to name but a few... The increase in development does not offer any support or benefit to our community on the contrary it has caused severe parking problems and is a major disruption to road traffic management at a pinch point on the B4525. There is nothing in the supporting letters and documents on file to suggest any support for the

community, the environment or local culture and as for the letter supporting the requirement of the Welsh Language, sadly this has not been evident in its operation to date.

Highways: As the proposal does not impact the public highway, or is proposing to generate an increase in traffic to the site, I have no comments to make.

IOCC Drainage/Structures Having assessed the comments of the community council confirm that the proposed extension will not reduce the capacity of the car park to contain overtopping flood waters. The small alterations proposed to the sand dune will not, in themselves, affect the integrity of the dunes. However, I do concur with the Community Council's view that "the gradual eroding of the sand dunes would strip away the natural protection from the wave impact" as such I would caution against any proposals, beyond this application, that encroach further into the dune system.

Regional Emergency Planning Service The North Wales Councils Regional Emergency Planning Service (NWC-REPS) would like to make a number of 'Generic' Observations (applicable to all sites) regarding access and evacuation at sites considered to be at risk of flood.

Information on the registration process for Natural Resources Wales Flood Warnings and the completion of Community and Personal Flood Plans is also listed. Please note that, whilst the North Wales Councils Regional Emergency Planning Service (together with other professional partners including Natural Resources Wales and the Emergency Services) are always willing to provide advice and guidance on Site or Property Flood Plans (i.e. Community Flood Management Plans) they will not 'Rubber Stamp' or 'Sanction' these plans as this is the legal responsibility of the Site / Property Owner and not the Local Authority.

Heritage Advisor: No comments.

Property: The Sea Shanti is partially constructed on land in the ownership of the County Council and leased on a long term ground lease. Discussions are ongoing with regards to a small extension to the existing lease. Following consultation with the relevant local and portfolio members, revised terms will be offered. As standard; there will be a condition that the applicant obtains all necessary permissions. If the proposal is not acceptable from a planning point of view there would be no benefit to either party to proceed with the revision to the existing lease.

Ecological and Environmental Adviser: Any development or activity which leads to loss of sand dune area should be carefully considered; the remaining dunes at Trearddur are a limited resource and there is no effective means of replacing lost areas. Coastal sand dunes are a habitat listed under Section 7 of the Environment Wales Act (2016) as being of principal importance for the purpose of maintaining and enhancing biodiversity in Wales. Likewise, common lizards (present on the dunes) are a species listed in Section 7 also. There is a loss of habitat and potential impact on species here, or there would be no need for the various methodology points. Whilst conditions are recommended to mitigate impacts it is acknowledged that having regard to the Council's duty under Section 6 of the Environment Act to seek to conserve and enhance biodiversity the options for truly lessening risks are less than perfect, and are in effect seeking to make the best of the situation, in the absence of ability to properly restore/ make up for the surface area that will be lost. Whilst it can be argued that the area in question is not large, cumulative effects of losses over the years add up to make the habitat area less and less ecologically viable. Recent historic losses include area for the Sea Shanti itself, and the Dwr Cymru pumping station on the SE side of the car park for example. If size of proposal and precedent are going to be seen as reasons to grant permissions, we cannot rule out the loss of significant further areas in future.

Also required that bird nest boxes were shown on the elevations of the development having regard to the council's under the Environment Wales Act (2016) to seek to maintain and enhance biodiversity whilst carrying out its functions.

Has confirmed that on the basis of the written confirmation received from the applicant's that the pollution prevention guidelines supplied by NRW are followed then the proposal can be deemed to be screened out from requirement for Appropriate Assessment under the Habitat Regulations.

Natural Resources Wales: NRW have been consulted on numerous occasions in relation to the proposals and the initially expressed concerns about the adequacy of the Flood Consequences Assessment but is now content with the proposal as per comments below:

## Flood Risk:

The planning application proposes less vulnerable development for the erection of an extension and alterations to the existing building. Our Flood Risk Map, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outline. Our records also show that flooding within the vicinity of the development site has occurred previously from the overtopping of defences.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

The revised FCA shows that the risks and consequences of flooding are manageable to an acceptable level. The FCA states the following: 'the reduction in width of the dune is not considered to affect the integrity of the dune system which is well protected...' and 'the small extension would not affect the stability of the dune system protecting this area of Holyhead'. Whilst no modelling has been submitted in support of this, given the scale of the proposed development and the supporting information, we have no objection to the proposed development 'on flood risk grounds' subject to an appropriately worded condition to ensure that the development is carried out in accordance with the revised FCA dated December 2020.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Sites: From the information provided, we consider that the proposal is not likely to have a significant effect on a Anglesey Terns SPA. We are in receipt of the LPA ecologist's assessment which confirms his view that the proposal is unlikely to have a significant effect on the SPA under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. We also note the applicant's agreement to abide by PPG6 guidance. They must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Landscape Adviser: The proposed deck extension is to be located to the southwest of the building on the edge of the dune, although the whole width of the deck does not require removal of dune habitat. Photos show that vegetation on the edge of the dunes is not all marram grass with clumps of sea beet. The AONB is located away from this edge and it is not considered that the proposal would affect the setting of the AONB or indirectly affect natural beauty, AONB features or special qualities. This is a busy location and would not affect AONB qualities such as Peace and Tranquillity. The design is a functional deck (there were no details on the plans seen) and would be timber or other decking composite or plastic. These can be coloured or unpainted treated/non-slip surfaced if wooden. Similar considerations apply to benches and seating. If a non-wooden or painted surface is used, it would ideally reflect the appropriate colour palette used for the building. These details could be conditioned or provided pre-determination.

No landscaping is proposed in terms of trees or shrubs and would not be appropriate here. There is a loss of habitat and the effect of this is a matter considered by others. Similar considerations apply to PCYFF 4. There is a loss of an area of natural landscape, a positive feature of the site. The appearance of the deck and associated furniture can be coloured to help visual integration. There are views of the present sitting-out area which is enclosed by timber picket fencing. A timber wall would retain the dunes

from the decked area, marginally extending the width beyond the 3 metre strip. No other above ground enclosure is proposed to prevent sand erosion onto the deck or access to the dunes. It is not considered that the proposed deck would affect local views adversely and is in keeping with the character of existing use.

The development is within an area described by LANDMAP as being of Moderate Value and adversely affected by built environment described in LANDMAP as haphazard and poor quality in parts. It is not considered that the site represents this LANDMAP description and contains features and qualities of higher value. Nonetheless, the decking would not cause significant harm to landscape or townscape character. It would through the retaining structures harmonise with the existing landform and landscape at this minor scale and the loss of the traditional feature is localised. Overall in relation to AMG 3 it is considered negligible to slight adverse as a result of the minor encroachment on dune habitat on the scale described.

The comments of the community council were forwarded to NRW who confirmed that their advice above remain valid.

Joint Planning Policy Unit: Policy considerations relevant to the proposal in relation to retailing, landscaping, flooding and the Welsh language are described. In considering the scale of the proposed development, it is considered that the risk that the development would have a significant negative impact on the character and language balance of the community is very low. If possible, it would be a condition that bilingual signs be used in the new development. If it is decided to grant planning permission it is suggested that an explanatory note be included with the award to highlight that the Office of the Welsh Language Commissioner and the Welsh Government include information on their websites about the advantages of the Welsh language in business and what is the role of businesses in maintaining and strengthening the Welsh language in communities, as well as examples of good practice and the experiences of businesses and charities of using the Welsh language.

Gwynedd Archaeological Planning Service: I have reviewed the amended application and can confirm that there are no comments to be made in this instance. The proposed works are both minor in scale, and in a place where previous development has taken place – as such the archaeological potential is very low.

Environmental Health: Considerations in relation to nuisance including working hours/burning of waste, building control, foul drainage, food hygiene and Health and Safety legislation.

The planning application was advertised on receipt and following the receipt additional information and the following representations were received.

#### Objections - 14

- The Sand Dunes are an integral/iconic part of the Trearddur Bay sea front and for visual, environmental and historic reasons should not be further destroyed given the development that has already been undertaken.
- The sand dunes provide a natural sea defence from storms and flooding. One writer explains that they have already been severely eroded as a result of strong winds/high tides.
- The dunes adjacent to the Sea Shanty are an ancient burial ground and although the many hundreds of bodies have now been removed, it is nevertheless a most important historic site that should therefore be preserved.
- The remaining sand dunes must not be built on, it's an important habitat for wildlife. Far too many wild spaces in Bae Trearddur are being developed.
- It is assumed that the extension to the Sea Shanty would be to accommodate extra business. This in turn will lead directly to a significant increase in people visiting Trearddur Bay. Already we locals have to put up with a considerable increase in Tourist numbers to the Bay (the huge success of the Sea Shanty being very much part of that) with for example, considerable difficulty with driving through the Bay during the main tourist season where car parking arrangements are unable to cope with the present volume of

visitors. To increase visitor numbers would impose yet further considerable disadvantage to local people with absolutely no gain whatsoever for them.

- Questioned whether the footprint if the proposed extension remains within the boundary of the business owners land.
- Land owned by the community has already been developed here, is more community land being requested?
- What benefit to the community would this bring? I would suggest none. The only beneficiary would be the Sea Shanty owner and his economic prosperity.
- I see this as a "land grab" which is part of the owners plan to ultimately develop to the point where his business has an open aspect to a sea view, which would once and for all change the profile of the Trearddur Bay sea front.
- Proposal would comprise an eyesore. By enlarging it as per plan would make it look totally out of proportion with its surroundings/overdevelopment.
- Part of the car park has already been taken by the cafe with the resulting chaos during the summer months of nowhere to park.

#### Support - 14

- This planning application will provide much needed employment to a long standing business who already employ many young people in the tourism/restaurant sector.
- We think the extension would be an excellent idea as it would give them much more space. It is a great family restaurant and we love going there with our children and grandchildren.
- More outside seating welcomed as the writer states that they will currently only eat in outside areas of restaurants. Social distancing considerations referred to by others.
- Employment opportunities for builders and tradesmen.
- Impact of lockdown on businesses and tourism in the area.
- Car park adjacent is in poor condition and could do with surfacing.
- Development would provide more space for locals to get a seat.
- Excellent plan but double yellow lines are required on the main road.
- Proposal will have minimal impact on the dunes.
- Smarten the existing building, sympathetic modest extension.
- Local business growing.

An amended ownership certificate, an uaddendum Flood Consequences Assessment and a Welsh Language Statement were subsequently advertised as additional information and the publicity period expired on the 07.01.21.

#### Objection – 1

- Application form incorrectly implies that the site is in the ownership of the restaurant.
- Queried whether the council has already gifted the land to the Sea Shanty. The whole area was gifted to the community as open space and a large area has already been taken by the original development.
- Overdevelopment which is not needed.
- Proposal contrary TAN 15 proposal could result in coastal erosion, edge of flood plain, removal of dunes has already resulted in flooding elsewhere (adjacent car park), flood alleviation scheme for "Ravenspoint Road" is not fit for purpose and the need for a new promenade/sea wall.
- Removal of any sand dunes will exacerbate the flooding effect in the area, by sea water overtopping and by torrential rain events, pictures are provided in support of this.
- Traffic gridlock due to deliveries and short term parking adjacent, No more customer capacity is required as it benefits nobody except the restaurant and causes additional traffic and pedestrian hazards.
- As a requisite to the development plan there is nothing in the submission to suggest any support or benefit for the community, the environment or local culture.
- Support for the Welsh language has not been evident in the operation to date.

#### Support -2

- Fantastic use of available land and a credit to the owner and planner for a design that will enhance the already popular site which will certainly boost the local economy , provide jobs and will improve and increase the Sea Shanty experience for all that visit Trearddur and Anglesey, I wish we had such a facility in Cemaes.
- Sea Shanty is a must see destination.
- Provides permanent employment for 37 Welsh speaking staff and 30 others, will create more employment.
- Local suppliers are used where possible.
- Proposal will enhance the appearance of the location, development has been designed by an architect to blend in with the environment.
- Proposal will enable the business to remain viable with increased numbers of visitors in the future. The owner has and will continue to support the local environment and has created a good length of payment along a notoriously dangerous road.

### **Relevant Planning History**

46C38U/DIS - Application to discharge condition (04) (samples of the external finishing material) from planning permission 46C38S/ECON Condition discharged 22.09.2014.

46C38X/AD - Application for the siting of 2 illuminated signs and 1 sign non-illuminated at Refused/ Approved (split decision) 12.04.2016.

46C38Y/DIS - Application to discharge condition (02) (scheme of illumination) from planning permission 46C38S/ECON (erection of a restaurant) Condition discharged 31.03.2016.

46C38W/DIS - Application to discharge condition (03) being reptile reasonable avoidance scheme from planning permission 46C38S/ECON Condition discharged 17.10.2014

46C38T/DIS - Application to discharge condition (03) being reptile reasonable avoidance scheme from planning permission Refused/ Approved (split decision) 22.07.2014.

46C38V/FR - Full application for the erection of an extension to provide a boat store with a balcony Permitted 21.11.2014.

46C38Q - Erection of a single storey cafe with an attached two storey dwelling house Permitted 19.08.2010.

46C38S/ECON - Full application for the erection of a restaurant Permitted 04.07.2014.

46C38M - Full plans for the erection of a dwelling Refused 09.05.2005.

46C38N - Detailed plans for the erection of 2 dwellings Permitted 10.07.2006.

46C38P - Amendments to planning consent 46C38N Permitted 10.10.2006.

46C38L - Outline application for the erection of a dwelling together with alterations to the existing vehicular access Withdrawn 02.11.2004.

46C38C – Detailed plans for the demolition of existing café and erection of a restaurant/café with owners accommodation Conditionally approved 01.08.1988 subject to a legal agreement requiring demolition of the existing café within 9 months of the erection of the owners accommodation).

46C38B Demolition of existing building and erection of a restaurant/cafe with owners accommodation Withdrawn

46C38A Demolition of existing cafe and the erection of a new restaurant and cafe together with owners bungalow Permitted 01.01.1990.

46C38 Demolition of existing cafe and the erection of a new public house and restaurant together with provision for owners separate living accommodation Permitted 01.01.1990.

## **Main Planning Considerations**

Introduction As can be seen from the planning history that the application site has a long history of being used as a café restaurant. Planning permission was granted for the café restaurant presently on the site under reference 46C38S/ECON in 2014.

The existing café restaurant is partially constructed on land in the ownership of the County Council and leased on a long term ground lease. This planning application is reported to the planning committee on this basis, but would also as per the comments of the council's property section entail an extension to the extent of lease area to accommodate the proposals. The applicant has confirmed that the appropriate notification required under the planning act has been served on the council as landowner.

Principle of the development having regard to material planning policy provisions The proposals being applied for are an extension to the café restaurant which is located within the settlement boundary of Treaddur Bay. Treaddur Bay is classified as a Coastal Village under the settlement strategy of the JLDP and whilst this is not a higher order settlement the application site is considered to be in a sustainable location given that it is located on the main Holyhead /Bangor bus route which is one of the most frequent services on the island. It is also material that Treaddur Bay is an important tourist destination on the Island. The Sea Shanty is one of a number of commercial eateries which have been developed in the settlement over recent years. Taking all these matters into account the proposal is considered to be in a sustainable location.

Planning Policy Wales (PPW) (10 ed, Dec 2018) recognises that strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas.(para 5.6.1).

A supporting statement is provided by the applicant which explains why they consider that the proposals are required in terms of the economic resilience of the business and requirements for safe operation of the café restaurant use given the Covid 19 pandemic. Material guidance is contained in Building Better Places – Placemaking and the Covid-19 Recovery published by the Welsh Government which recognises the impacts described by the applicant and advises decision makers in development management should consider widely what is material to a particular application and apply this to their considerations particularly where the outcome will be a benefit to creating better places.

Criteria 4 of strategic policy PS 13: Providing Opportunity for a Flourishing Economy, states that whilst seeking to protect and enhance the natural and built environment, the Councils will facilitate economic growth in accordance with the spatial strategy of the Plan by supporting economic prosperity and sustainability of rural communities by facilitating appropriately scaled growth of rural enterprises, extension of existing businesses in appropriate accessible locations consistent with the Plan's Spatial Strategy and in line with Strategic Policies PS5 and PS6.

The comments of the council's JPPU explain that although policy MAN 5: New Retailing in Villages refers to retail the principles of the policy can be used to assess the suitability of any new business or commercial enterprise within villages. This policy states that new businesses or extensions to existing shops will be granted providing they conform to the listed criteria. The proposal relates to an existing café restaurant all within the settlement boundary in a sustainable location. There is an existing car park adjacent and no issues are raised by the Highway Section in relation to car parking or highway safety. Given that the proposals entail small scale extensions to an existing café restaurant having regard to the policy requirements of MAN 5 it is not considered that there will be a material impact on nearby centres.

There is a residential property abutting to the north and the decked area on the western elevation in close proximity and abuts its residential curtilage. Looking at the planning history it appears that this dwelling was formerly constructed and used in association with the café restaurant. The decked area on the western elevation of the building in close proximity and abuts the curtilage of this residential property. No objections are raised by the council's Environmental Health on the basis that the proposal would unacceptably impact on the amenity of this property. . Given that decked area is associated with an existing café restaurant use the conditions recommended will regulate the opening hours of the decked area and any lighting so that the residential amenity of the residential property would not be unacceptably affected.

Flood risk having regard to Technical Advice Note 15 As explained in the NRW comments the proposal entails less vulnerable development within the C2 flood risk zone which is shown on their development advice maps. Looking at the DAM map it appears that these comments apply to the western part of the café restaurant which is partially within this flood zone and where the proposed decked area would extend further into this flood zone. Given that the decked area is within a C2 flood zone the policy tests in section 6 of TAN 15 would need to be satisfied to align with national planning policy. The applicable first test (ii) in this instance requires that the 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. As far as this test is concerned the local planning authority are satisfied on the basis of the information provided by the applicant and having regard to the aims of PPW in terms of supporting sustainable and vibrant rural communities and the expansion of existing business that the proposal complies with this policy test.

Section 6 of TAN 15 requires that both the next policy tests (iii) and (iv) are complied with. Test (iii) requires that the application site concurs with the aims of PPW and meets the definition of previously developed land. As far as the decked area on the western elevation is concerned there is a gravel service strip along this gable of the building but the proposals would extend around 3.2 metres into the sand dunes along the whole length of this side of the building and would entail the removal of around 35m<sup>2</sup> of sand dunes according to the submitted ecological survey. It is acknowledged that this is a relatively small area but this does not meet the definition of previously developed land and part of the proposal does not therefore comply with test (iii).

Test (iv) requires that 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." NRW have confirmed that the revised FCA shows that the risks and consequences of flooding are manageable to an acceptable level nor will the stability of the sand dunes be affected. Given the scale of the development NRW are content on the basis that planning conditions stipulating that the development is undertaken in accord with FCA. On this basis the proposal is considered compliant with test (iv) of TAN 15.

In accord with NRW recommendation the planning authority have consulted IOCC Drainage/Structures and the Regional Emergency Planning Service on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding and no further matters were raised in this regard.

Landscape considerations The landscape Adviser's comments consider the decking on the west of the building and confirm that the whole length of the deck does not require removal of dune habitat, further that the available photographs show that vegetation on the edge of the dunes is not all marram grass with clumps of sea beet. Further that given mitigation in terms of the external appearance of the decking and associated structures could regulated by way of a planning condition. Overall in relation to AMG 3 it is concluded that the proposal would have a negligible to slight adverse as a result of the minor encroachment on dune habitat on the scale described.

Some 200 metres to the east the area is designated as part of the AONB. Paragraph 5.3.5 of PPW explains that the primary objective of designating AONB's is the conservation and enhancement of their

natural beauty. Development Management decisions affecting AONB's should favour conservation of natural beauty, although it will be appropriate to have regard to the economic and social well-being of the areas. Given that the proposal entails minor alterations it is not considered that the proposed development will materially affect the special qualities of the AONB. NRW raise no issues on this basis. There is a statutory requirement for the Local Planning Authority to have regard to the AONB purposes. Regard has been taken of these policy and statutory requirements and as per the comments of the council's Landscape officer it is not considered that the proposal will material impact on the setting of the AONB having been assessed.

Ecological considerations Policies PS 19 and AMG 5 in the JLDP are material in relation to the protection and enhancement of local biodiversity. Policy AMG 5 (Local Biodiversity and Conservation) states that a proposal affecting sites of local biodiversity importance will be refused unless they can conform to all the listed criteria which require that there is no satisfactory alternative, the need for the development outweighs local nature conservation and that appropriate mitigation/compensation is included.

The council's Ecological and Environmental Adviser states that there is a loss of habitat being the sand dunes and a potential impact on common lizards, further whilst the area in question is not large, cumulative effects of losses over the years add up to make the habitat area less and less ecologically viable. It is also explained that Coastal sand dunes are a habitat listed under Section 7 of the Environment Wales Act (2016) as being of principal importance for the purpose of maintaining and enhancing biodiversity in Wales. Likewise, common lizards (present on the dunes) are also a species listed in Section 7. As explained in the preceding section, however, the whole length of the decking does not require the removal of dune habitat, and it is a relatively small area. Further the council's EEA is content to recommend a planning condition to mitigating the impacts of the development on these habitats and on this basis it can be concluded that appropriate mitigation has been included as part of the proposal. The Local Planning Authority accept that there is a need for development given the economic and Covid considerations previously considered. Information has been submitted with the planning application to explain that the proposals comprise part of proposals for safety measures for customers and staff of the Sea Shanty to mitigate loss of revenue given the economic and Covid considerations previously considered. In the circumstances of this planning application it is accepted that there are any alternatives available such as to avoid developing these sand dunes.

The planning application has been screened under the Habitat Regulations by the council and NRW have confirmed that from the information provided the proposal is not likely to have a significant effect on the Anglesey Terns Special Protection Area which is protected ecological site.

Other Consideration A Welsh Language Statement and other supporting information has been submitted with this planning application which has been assessed by the council's JPPU. They conclude that given the scale of the development the risk that the development would have a significant negative impact on the character and language balance of the community is very low. On this basis and including the mitigation recommended in the form of an informative highlighting the advantages of using the Welsh language it is considered that proposal will comply with relevant policy provisions.

## **Conclusion**

The proposal is considered acceptable having regard to the relevant planning policy provisions notably MAN 5 in location which is considered sustainable in Anglesey's context. All other material considerations have been assessed and subject to the planning conditions recommended it is considered that the proposal can be permitted subject to planning conditions. A supporting statement is provided by the applicant which explains why they consider that that the proposals are required in terms of the economic resilience of the business and requirements for safe operation of the café restaurant use given the Covid 19 pandemic. This is a significant material consideration having regard to the economic considerations and the planning guidance considered in the committee report. The outside decked area on the western elevation of the building is, however, within a C2 Flood risk zone. NRW are now content having regard to the amended Flood Consequences Assessment that the consequences of flooding are manageable to an acceptable level. All policy test with exception of 6 (iii) of TAN 15 are met, though this is a relatively small

area it does not meet the definition of previously developed land as required by policy and this part of the proposal does not comply with the policy requirement. Having assessed all these material considerations, however, it is considered that the balance of the recommendation weighs in favour of the development being approved subject to planning conditions recommended. Discussions are ongoing as regards the detail of these planning conditions at the time of writing and an update will be provided at the planning committee.

## **Recommendation**

That planning permission is Approved subject to the following planning conditions:

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

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

Site OS Plan A.0.0.1 rev A

Site Block Plan A.0.0.2 rev A

Existing Elevations A.1.2

Existing Plans A.1.1

Proposed Elevations A.02.2 rev B

Proposed Plan A.02.1 rev A

Flood Consequences Assessment (March 2015) Brian Killingworth

Ecological Report, Sea Shanty Resteraunt, Treaddur, Anglesey (November 2020 (revised 15/11/20)Kesterel Environmental Services

Welsh Language Statement (December 2020) W M Design

Flood Consequences Assessment Addendum (December 2020) Brian Killingworth

Email 05/01/21 Re: FPL/2020/195 - Sea Shanty Cafe, Lon St Ffraid, Bae Trearddur/Trearddur Bay (Minor) V4 - NRW Response NRW:01054672 Adrian Williamson

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

(03) The decked area hereby approved on the western elevation of the building shall not be operated/used (including any associated lighting) between the hours of 10.00 pm to 08.00am.

Reason To safeguard the amenities of the locality.

(04) The use of the development hereby approved shall be undertaken strictly in accord with the Flood Consequences Assessment Addendum (December 2020) Brian Killingworth and the Flood Consequences Assessment Addendum (December 2020) Brian Killingworth.

Reason To ensure that the risks and consequences of flooding are managed.

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

Application Reference: HHP/2020/302

Applicant: Mrs Rachael Woodhall

Description: Full application for alterations and extensions at

Site Address: 38 Lon Conwy, Benllech



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

Application been called in to committee by local member Cllr Margaret Roberts due to concerns about overlooking and loss of privacy

**Proposal and Site**

The proposal is for alterations and extensions to the 38 Lon Conwy, Benllech property including the erection of a new conservatory and new raised patio area towards the rear of the property.

**Key Issues**

The key issues are whether the design of the scheme is considered acceptable in respect of the location of the site, the effect on the neighbouring properties and effect on local amenities.

## Policies

### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping, Joint Local Development Plan  
SPG – Supplementary Planning Guidance: Design Guide for The Urban & Rural Environment

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	Called in to Committee
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	No Objection

In response to the publicity afforded to the application documents were received raising concerns about overlooking and loss of privacy on behalf of a neighbouring occupier and a letter of support was received from the agent. These matters are addressed in the report.

### Relevant Planning History

HHP/2019/92 - Full application for alterations and extensions at - 37 Lon Conwy, Tyn Y Gongl, Benllech - Permit

### Main Planning Considerations

The proposal is for alterations to the dwelling to update/modernise the current single storey property, including the rear patio area which is in need of repair. The proposed conservatory/patio area has a similar footprint to the current conservatory/patio area, The proposed development is subservient to the existing property in respects of scale and size and does not dominate the original elevation, therefore it is appropriate to the dwelling and its surrounding area.

PCYFF 3 – It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

The curtilage of the property is well defined with fencing and mature hedges/shrubs providing screening. The current patio is a raised patio of approx. 1.2 m with concrete balustrade approx. 1.9m in total. The proposed raised patio will have an approx.. height of 1.2m with a glass balustrade of 1.4m height. The overall height of patio area will therefore increase from 1.9m to 2.6m.-(SPG: Guidance Note 6, Site and Setting: Neighbouring property - Proposals should not interfere or impose upon neighbouring land.)

The proposed new Conservatory will be similar in style and placement to current conservatory with a slight increase in width/height whilst still being subservient to the existing dwelling. (SPG Guidance Note 19: Conservatories and Garages: The scale and form of conservatories should follow and obtain the guidance from the shape of the existing dwelling.)

Albeit that currently there is extensive overlooking from the existing raised patio and conservatory of gardens either side of the application site, the increase in height and closer proximity of the raised patio and conservatory may lead to overlooking of the limited parts of those gardens which are currently not overlooked. It is considered the 70cm increase in the height of this outdoor seating area does not justify a refusal of proposed application in respect of privacy / obtrusiveness due to the minor scale of the proposal, subject to screening being introduced to each side to limit overlooking – a condition is proposed

to this effect. These screens shall be 1.8m in height and situated on the west and east sides of the patio. It is considered appropriate to maintain the-mature shrubs/hedges located to the rear of the garden, between the application site and the property to the rear, to maintain existing privacy due to the changes proposed to the raised patio and conservatory as part of the application.

## **Conclusion**

It is considered the scheme is appropriate subject to conditions

## **Recommendation**

**(01) The development shall begin no later than five years from the date of this decision.**

Reason: To comply with the requirements of Section 91(1) of the Town and Country 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.**

- **20003–1021 Proposed Site Plan**
- **20003–1022-A Proposed Floor Plans**
- **20003–1023-A Proposed Elevations**

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

**(03) No development shall commence until a scheme for the provision of 1.8m screens either side of the raised patio have been submitted to and approved in writing by the local planning authority. No use of the raised patio or conservatory hereby approved shall be made until the screens are erected in accordance with the approved details. The screens shall be maintained as part of the development and any replacement shall be in accordance with the details as approved under this condition.**

Reason: in the interests of the privacy and amenity of neighbouring occupiers.

**(04) No development shall take place until a scheme for the maintenance of the existing hedges to provide privacy screening, as shown marked A-B on the plan attached herewith, has been submitted to and approved in writing by the local planning authority. The development will thereafter proceed in accordance with the details as approved under this condition.**

Reason: in the interests of the privacy and amenity of neighbouring occupiers.

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

Application Reference: MAO/2020/31

Applicant: The Head of Lifelong Learning

Description: Minor amendments to scheme previously approved under planning permission FPL/2019/7 (Erection of primary school) so as to amend cladding and remove 2 classrooms on land adjacent

Site Address: Bryn Meurig, Llangefni



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

Application is being made on behalf of Isle of Anglesey County Council

**Proposal and Site**

Planning permission was granted under planning permission FPL/2019/7 for the erection of a new primary school together with the creation of a new vehicular access on the 08/03/2019. The application is submitted under section 96A which seeks non material amendments to the appearance and layout of the approved scheme.

## Key Issues

Whether or not the proposed amendments can be considered as a no material minor amendment.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 6: Water Conservation  
Policy TRA 4: Managing Transport Impacts  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
Policy ISA 1: Infrastructure Provision  
Policy ISA 2: Community Facilities  
Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character  
Policy AMG 5: Local Biodiversity Conservation  
Planning Policy Wales (Edition 10, December 2018)  
Technical Advice Note 5: Nature Conservation and Planning (2009)  
Technical Advice Note 12: Design (2016)  
Technical Advice Note 18: Transport (2007)

### Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	No Objection

### Relevant Planning History

SCR/2018/2 - Screening opinion for the erection of a new primary school together with the creation of new vehicular access onto the B5109 on land opposite - Bryn Meurig, Llangefni - EIA Not Required

DIS/2019/55 - Application to discharge condition (03) (Tree protection plan) (06) (Construction method statement) (15) (Construction traffic management plan) of planning permission FPL/2019/7 on land opposite - Bryn Meurig, Llangefni - Condition Partially Discharged

DIS/2019/83 - Application to discharge conditions (10) (Great Crested Newt Mitigation and Compensation Method Statement), (11) (Great Crested Newt Site Ecology Management) and (12) (Post construction Amphibian Surveillance) of planning application FPL/2019/7 (erection of a new primary school) on land opposite - Bryn Meurig, Llangefni - Condition Partially Discharged

MAO/2019/11 - Minor amendments to scheme previously approved under planning permission FPL/2019/7 so as to amend the approved external appearance, design of the main entrance and adjoining access gate, relocation of a substation and the design and positioning of fencing on land opposite - Bryn Meurig, Llangefni - Permit

FPL/2019/7 - Full application for the erection of a new primary school together with the creation of new vehicular access onto the B5109 on land opposite - Bryn Meurig, Llangefni - Permit

FPL/2018/15 - Full application for the erection of a new primary school together with the creation of new vehicular access onto the B5109 on land opposite - Bryn Meurig, Llangejni - Withdrawn

## **Main Planning Considerations**

Since the capacity of the new school will be less than originally envisaged, the application proposes to remove two classrooms from the western part of the school. The area in which the classrooms were situated will be replaced by a hard surfaced area which could be used as a playing area. The proposal also entails changing the external cladding. Although the type of cladding will be changed from Trespa to Rockpanel, the type of colour will remain the same.

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

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

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

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

It is not anticipated that the proposed amendments will be great enough to cause an impact different to that caused by the original approved scheme. It is not considered that the impact would result in a detrimental impact either visually or in term or local amenity.

Consultations have been undertaken as part of the application. The Authority's Landscape Specialist has no objection to the proposed amendments. It is not considered that third party or body would be disadvantage in planning terms or conflict with national or development plan policies.

Having considered the above and all other material considerations my recommendation is that the proposed amendments are deemed to be non-material and therefore be approved under Section 96A of the Town and Country Planning Act 1990.

## **Conclusion**

The proposed amendments are deemed non material and in line with Welsh Government advice on the such applications.

## **Recommendation**

Approve the application under Section 96A of the Town and Country Planning Act 1990.

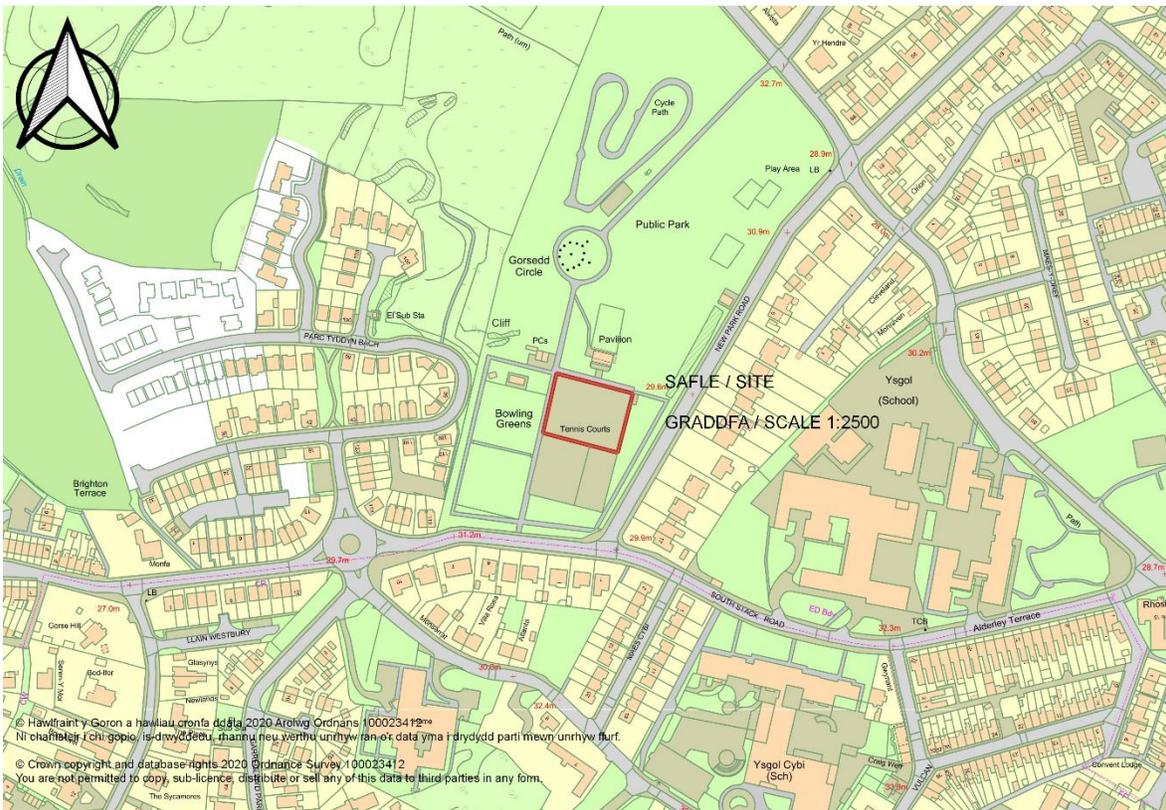
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/258

Applicant: Mr Rob Henderson

**Description:** Full application for conversion of existing tennis court into 3G synthetic surface, replacing existing fencing with new 4.5 metre high fence together with replacing existing lighting with new LED lighting at

**Site Address:** Garreglwyd Park, South Stack Road, Holyhead



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application is presented to the planning committee as Holyhead High School and Cybi Primary School will be using this facility during school hours.

**Proposal and Site**

The proposal is a full application to change the existing tennis court into a 3G synthetic surface, replacing existing fencing with a new 4.5m high fence together with replacing existing lighting with new LED lighting at Garreglwyd Park, Holyhead.

## Key Issues

The key issue is whether the proposal complies with planning policy and also consideration to the LED lighting and whether they would harm the area and amenities of adjacent residential properties.

## Policies

### Joint Local Development Plan

PCYFF2: Development Criteria  
PCYFF3: Design and Place Shaping  
ISA2: Community Facilities

Planning Policy Wales Edition 10 (December 2018)  
Technical Advice Note 12: Design  
Technical Advice Note 16: Sport, Recreation and Open Space

## Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Iechyd yr Amgylchedd / Environmental Health	Standard Comments
Cynghorydd Glyn Haynes	No response at the time of writing the report.
Cynghorydd Robert Llewelyn Jones	Concerns that the development will have a negative impact upon adjacent residential properties in terms of light spill, noise, parking.
Cyngor Tref Caerdybi / Holyhead Town Council	No response at the time of writing the report.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing the report.

Neighbouring properties have been notified through the posting of individual letters. The expiry date to receive representations expired on the 19th January, 2021. At the time of writing the report 3 letters of representation had been received. The comments made as follows:-

- No objection to the application itself, concerns on anti social behaviour as a result of the proposal.
- Concerns as to where the cars will park, and cars parking as the road.
- The proposal would remove a tennis court that is required in the area.
- The proposed fence may not stop balls from going onto the highway causing danger to road users

In response to the comments raised:-

- Anti-social behaviour is a matter for the police. The Community Council has confirmed that there is CCTV on the site and will be monitored.
- The Highways Department has been consulted and they have confirmed that they are satisfied with the development.

## Relevant Planning History

19LPA379/DC – Erection of a wall and fencing perimeter of Bowling Green at Holyhead Park, Holyhead – Approved 17/12/79

19C538 – Erection of a beacon at Holyhead Park, Holyhead – Approved 9/10/92

19C538A – Erection of a building for better security purposes at Holyhead Bowling Club – Approved 18/3/02

## **Main Planning Considerations**

### **Background.**

The application site currently comprises of a block of three tarmac tennis courts, the existing court area which totals around 1714 square metres. It is surrounded by a 3.0m high ball-stop fence around the perimeter and served by 4 mounted floodlight columns, each column accommodates 2 metal floodlights making a total of 8 floodlights.

### **Proposal**

The proposal seeks to convert the existing courts from a tarmac area to become a high quality 3G synthetic turf facility, with a surface system to recognised sporting performance standards. The existing fence will be replaced with a 4.5m high open steel mesh fence, which is the recommended height for a 3G pitch. The proposal also involves replacing the existing 8no floodlights with 4no LED floodlights which will be fixed to the existing columns.

The LED lamps will reduce running costs and provide a more environmental solution, the upgraded floodlight system will improve the control of light spillage as the lamps will be directed down on the playing surface thereby reducing an overspill to the immediate surrounding area. Control switches and time clocks will be installed to the floodlights to ensure that they do not remain on any later than the permitted hours. The LUX levels provided with the planning application shows no overspill towards adjacent residential properties and will improve the current situation.

The 3G pitch will replace the Millbank pitch at Holyhead High School, which has suffered from flood damage and concerns about the poor surface in recent years. The proposed development would provide a 3G synthetic turf facility which will be available to local schools during the day and sporting groups for evenings and weekends. There are two schools within walking distance of the facility, Holyhead Secondary School and Cybi Primary School both these schools will make use of the proposed 3G facility as they don't have a facility of this nature.

The proposed development would provide a facility that can cater for full contact rugby training usage. The other two 3G facilities on the island, at Plas Arthur in Llangefni and at Canolfan David Hughes in Menai Bridge cannot offer this provision as they do not include the necessary underlying rubber shockpad layer. The proposed development would provide a safe, secure and modern facility to promote outdoor sporting all year round.

### **Policy Consideration**

The main policy consideration is Policy ISA2: Community Facilities, the aim of the policy is to protect existing community facilities and encourage the development of new facilities where appropriate.

Policy ISA2 states that the provision of new or enhanced multiuse community facilities will be encouraged

Paragraph 4.5.6 of Planning Policy Wales states that planning authorities should encourage the multiple use of open spaces and facilities where appropriate, to increase their effective use.

A Healthier Wales is a goal of the Wellbeing of Future Generations Act 2015. This can be achieved through the reduction in emissions and air pollution by minimising the need to travel and maximising provision of sustainable forms of transport. It can also be achieved through improving access to services, cultural opportunities, green spaces and recreation facilities to support people adopt healthy lifestyles. Together they contribute to creating the right conditions for better health, well-being and greater physical activity.

Technical Advice Note 16: Sport, Recreation and Open Space states that young people's recreational needs are a priority, improving levels of physical activity and access to facilities in an outside schools. The Government recognises the critical importance of play for the development of children's physical, social, mental, emotional and creative skills.

Paragraph 3.11 of TAN 16 states that all-weather pitches are able to provide a substantive improvement in terms of playable hours and usability as part of a co-ordinated playing field strategy.

Paragraph 4.7 of TAN 16 states that the provision of floodlighting at sport and outdoor recreational facilities can allow for more efficient use of such facilities through extended opening hours subject to the development not affecting nearby residential properties.

The Highways Authority has no objection to the proposal.

### **Effect on adjacent residential properties**

There are existing residential properties to the North and East of the application site. The local member has expressed concern on whether the lighting will affect overspill lighting towards residential properties and noise being created from the application site.

The Lux levels plan provided with the application indicates that the light spill will remain within the application site and will not overspill onto adjacent residential properties. There are 8no existing floodlights on the site at present; however, the proposed 4no LED floodlights will improve the current situation and allow light to be contained within the site. Unlike many light fittings, the proposed 4000K fittings provide a zero 'ULR' or upward light ratio.

The proposed 3G pitch will replace an existing tennis court and it is not considered that the proposal will have any more impact than what currently exists on the application site. The supporting documents provided with the planning application confirms that the Community Council will be ensuring that they will be regularly monitoring noise generated from the site and will have a plan in place to ensure that noise is kept to a minimum.

The new fence panels will be insulated from the posts using neoprene rubber gaskets fitted to every fence post/mesh fixing, these are proven to aid noise reduction by reducing rattle and vibration from ball impacts and will offer an improvement to the current fence.

The application site will be monitored by the Community Council with added assurance of the CCTV system the site currently has in place.

### **Conclusion**

It is considered that the proposal complies with all policies listed above. The proposal will provide a 3G pitch that will be beneficial for the community and pupils of Holyhead High School and Cybi Primary School.

### **Recommendation**

Permit

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

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

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

**Site Location - 01**

**Proposed Site Plan - 02**

**Proposed AGP Elevations - 03**

**Proposed Lighting - 04**

**Design and Access Statement**

**OptiVision LED Gen 3 Lighting details received 13/1/21**

**Appendix A - Floodlighting design produced by Nick McLaren dated 14/12/20 received 13/1/21**

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

(03) The 3G pitch shall only be used between the hours of 08.30 and 21.15hrs Monday to Friday, between 09.00 to 17.15hrs Saturday and between 09.00 to 17.15hrs on Sundays and Bank Holidays.

Reason:- To safeguard residential amenity

(04) The floodlights hereby approved shall only be illuminated between 08.30 to 21.15hrs Monday to Friday, between 09.00 to 17.15hrs Saturday and between 09.00 to 17.15hrs Sunday and Bank Holiday.

Reason: To safeguard the amenities of adjacent residential properties

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

Application Reference: VAR/2020/66

Applicant: Mrs Jennifer Jarvis

Description: Application under Section 73 for the removal of condition (10) (Obscure glazed screen) of planning permission reference FPL/2019/134 (Erection of 8 apartments) at

Site Address: Former Primary School, Pentraeth Road, Menai Bridge



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

Recommendation: Permit

### Reason for Reporting to Committee

Local Members Robin Williams and Merion Jones have called the application to the Planning and Order Committee.

### Proposal and Site

The development is a three storey block of eight apartments together with on-site parking spaces.

Condition 10 of planning permission FPL/2019/134 states:

**(10)The obscured glazed panels as illustrated on drawing reference number 17.5803-5 Rev F provided on the first and second floor balconies on the western facing elevation shall be installed**

**before the occupation of apartments 6 and 8. The panels shall be maintained thereafter, and any replacement shall be of an identical size and obscured as that approved.**

Reason: In the interest of residential amenity

The application seeks to remove the requirement to provide obscured glazed panels as part of the proposed development. The panels in question are located on the first and second floor western elevation of the apartment block which forms part of apartments 6 and 8.

### **Key Issues**

Whether or not the removal of the obscure glazed panels will have a detrimental adverse impact upon the amenity of nearby residential properties.

### **Policies**

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

Strategic Policy PS 1: Welsh Language and Culture  
Policy ISA 1: Infrastructure Provision  
Policy ISA 5: Provision of Open Spaces in New Housing Developments  
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 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 TAI 1: Housing in Sub-Regional Centre & Urban Service Centres  
Policy TAI 8: Appropriate Housing Mix  
Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character  
Policy AMG 5: Local Biodiversity Conservation  
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets  
Planning Policy Wales (Edition 10, December 2018)  
Technical Advice Note 2: Planning and Affordable Housing (2006)  
Technical Advice Note 5: Nature Conservation and Planning (2009)  
Technical Advice Note 15: Development and Flood Risk (2004)  
Technical Advice Note 11: Noise (1997)  
Technical Advice Note 18: Transport (2007)  
Technical Advice Note 20: Planning and the Welsh Language (2017)  
Technical Advice Note 24: The Historic Environment (2017)  
Supplementary Planning Guidance - Planning and the Welsh Language (2007)  
Supplementary Planning Guidance - Affordable Housing (2004)  
Supplementary Planning Guidance: Parking Standards (2008)  
Supplementary Planning Guidance - Planning Obligations (Section 106 Agreements) (2008)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

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

<b>Consultee</b>	<b>Response</b>
Cyngor Tref Porthaethwy / Menai Bridge Town Council	Concerns regarding health and safety.
Cynghorydd Meirion Jones	Concerns regarding the impact upon the amenity of nearby properties.
Cynghorydd Alun Wyn Mummery	No Response
Cynghorydd Robin Wyn Williams	Concerns regarding the impact upon the amenity of nearby properties.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 10/12/2020. At the time of writing this report, two representations had been received at the department. The correspondence raises concerns regarding overlooking and impact upon amenity which will be discussed within the main core of the report.

### **Relevant Planning History**

38C355B - Cais ol-weithredol i godi 8 o fflatiau ynghyd â maes parcio a gwaith cysylltiedig ar dir yn / Retrospective application for the erection of 8 apartments together with car parking and associated works on land at – Dismissed at Appeal - 07/20/2019

FPL/2019/314 - Cais llawn i godi 8 o fflatiau ynghyd â maes parcio a gwaith cysylltiedig ar dir yn / Full application for the erection of 8 apartments together with car parking and associated works on land at – Approved 17/07/2019

MAO/2020/11 - Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatád cynllunio FPL/2019/134 er mwyn diwygio cynllun y safle (lle parcio ychwanegol) a diwygio edrychiad ochr ogleddol yn yn / Minor amendments to scheme previously approved under planning permission FPL/2019/134 so as to amend site layout plan (additional parking space) and amend the north side elevations at – Approved 13/07/2020

### **Main Planning Considerations**

The approved apartments are in an advanced stage of construction, however are yet to be occupied. Since the consent has clearly been safeguarded, the principle of the proposed development will therefore not be considered as part for the current application.

Balconies together with a large amount of glazing are predominately positioned on the southern elevation of the apartment block which allows future occupiers to benefit from far-reaching views of the Menai Strait and beyond.

The approved drawings together with condition 10 of planning permission FPL/2019/134 requires that obscured glazed panels are provided on the western facing elevations as part of the balconies prior to occupation. Whilst the balcony at apartment 6 is only positioned on the southern elevation, the balcony at apartment 8 is a wraparound balcony positioned on both the southern and western elevations. The reason that the condition was imposed was in the interest of residential amenity, therefore it is imperative that the amenity of nearby residential amenity is considered.

There are a range of uses and dwelling types in the immediate vicinity including two storey houses in blocks of four on the opposite side of Pentraeth Road; more terraced houses to the south of Holyhead Road; the nursery and business uses in the former school; and a petrol filling station on the nearby roundabout. Other dwellings to the west and north are in more spacious plots. A three storey dwelling has

also previously been approved within the curtilage of Cornelyn, which is positioned to the north of the application site.

As noted above, immediately to the south of the application site is a nursery. The obscured glazed panel are proposed on the western elevation which mitigates against overlooking towards the dwellinghouses located along this boundary.

There is a good sized area to the west of the proposed block which has four parking spaces, a cycle storage and an area for landscaping. The dwelling directly to the west and closest to the apartment block is known as Brynafon. The balconies are located approximately 11 metres from the boundary of this property and approximately 20 meters from the dwelling itself. Brynafon has a relatively spacious curtilage area which has amenity space to the front, rear and side. A garage is located between the eastern boundary and the main dwellinghouse. Two ground floor windows and one first floor window is located on the eastern elevation. The ground floor windows are positioned behind the garage which acts as a natural barrier whilst the first floor windows is fairly small which serves a dressing room.

Other dwellinghouses are also located to the west which are further away from the application site. Bryn Haul Bach is located to the north of Brynafon whilst Trem y Fenai is located towards the south.

Since the second floor balcony has been constructed, this enables the Local Planning Authority to assess the degree of the actual impact as opposed to making a judgement on the potential impact based on a drawing. Form standing on the balcony, it is apparent that direct views are available to the eastern elevation and the front and rear of Brynafon. Whilst the area to the front of the dwelling is used as a more accessible parking area, allowing access for deliveries and visitors and so forth, the area towards the rear is a predominately used as landscaped raised terrace with no apparent seating area. Views of the area immediately adjacent to the rear of the dwelling are obscured by the existing garage.

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

Given the distance from the balconies and Brynafon, the use being made of the rear garden which is in view of the balcony area and the relatively dense residential area that the application site is located within (where some aspect of overlooking already exists), on balance it is not considered that the removal of the obscured glazed panel would have an adverse detrimental impact to warrant a refusal in this particular instance. Having fully assessed these observations and the objections raised, in this particular instance the Local Planning Authority considers that the proposed development is acceptable and does not have a significant impact as to justify refusing the application.

## **Conclusion**

To approve the application together with the removal of condition requiring that the obscured glazed panels are installed priori to occupation.

## **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 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 - 17.5803-6 Rev A**

- Site Layout - 17.5803-1 Rev G
- Proposed Elevations - 17.5803-5 Rev J
- Sectional Elevations - South - 17.5803-8 Rev D
- Ground Floor Layout Plans - 17.5803-2 Rev C
- First Floor Layout Plans - 17.5803-3 Rev E
- Second Floor Layout Plans - 17.5803-4 Rev C
- Bin Store Details - 17.5803-7 Rev A
- Planting Plan - 001 E

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

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

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

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

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

**(05) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.**

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

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

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

**(07) The car parking accommodation shall be completed in full accordance with the details submitted before any of the units hereby approved are occupied 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.

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

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

**(09) Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.**

Reason: To protect the amenities of nearby residential occupiers.

**(10) The development hereby approved shall be constructed in accordance with the materials specified within the email dated 01/07/2019.**

Reason: In the interest of visual amenity

**(11) The development hereby approved shall be constructed in accordance with the recommendations provided within the Evans Wolfenden Partnership Site Investigation.**

Reason: To prevent pollution to the water environment.

**(12) The development hereby approved shall be constructed in accordance with the Anvis Traffic Management Plan**

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

**(13) The site shall be landscaped in accordance with the landscaping and planting scheme detailed on drawing 001 E during the first available planting season from the date of this decision. The said trees and shrubs shall be maintained for a period of ten years from planting and any trees or shrubs that die, or become severely damaged, or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.**

Reason: In the interests of the visual amenity of the locality.

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.