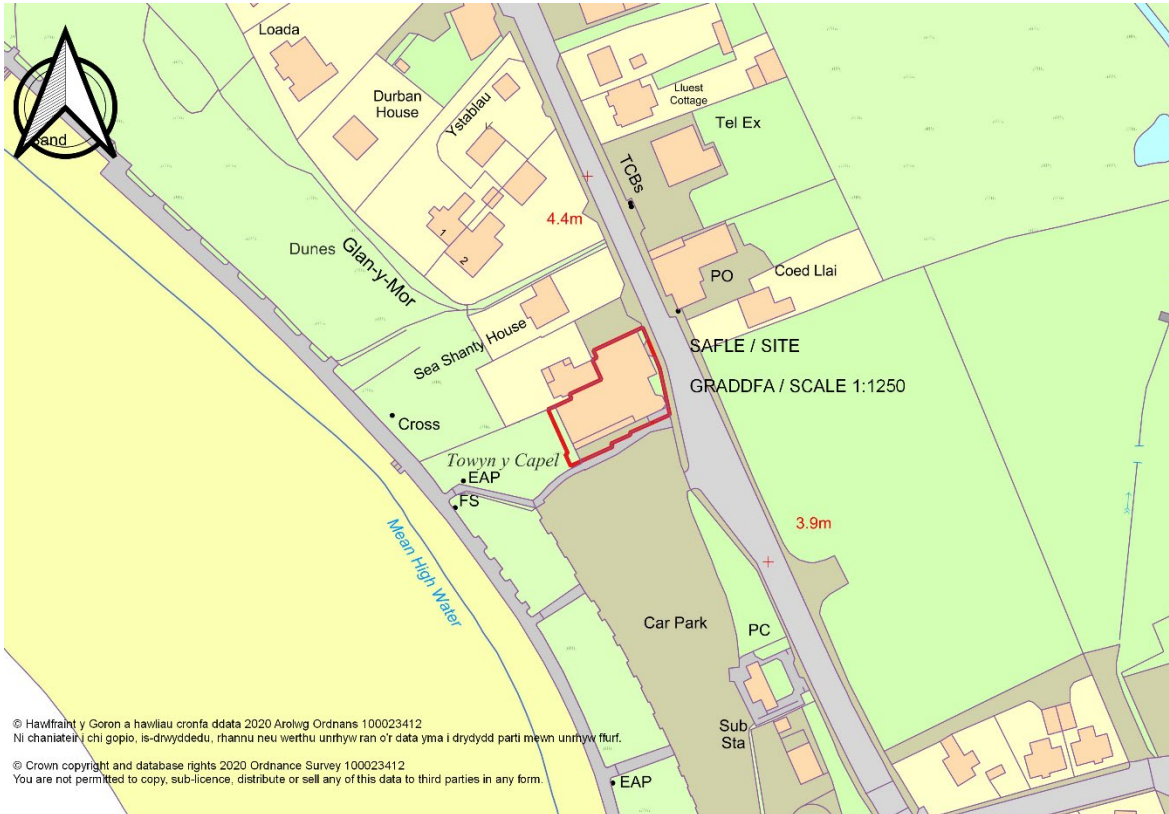


Application Reference: FPL/2020/195

Applicant: Mr Phil Brown

Description: Full application for alterations and extensions including decked area, associated works and mitigation measures 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.

At the last planning committee the planning application was deferred on ecological grounds.

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 35m² 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

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 Shanty 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, and an addendum 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.

At the time of writing an updated addendum to the ecological report is being consulted upon and publicised. The updated addendum includes monitoring and enhancement measures in respect of sand dunes adjacent to the development which have also now been included within the red line area of the application site.

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. It has been confirmed that this property is still within the applicant's ownership.

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 35m² 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 be 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. An updated addendum to the ecological report includes monitoring and enhancement measures in respect of sand dunes adjacent to the development which have also been included within the red line area of the application site is being consulted upon at the time of writing which it is understood are acceptable to the council's ecological advisor and are considered to meet the relevant policy and statutory requirements. 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. 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. An updated addendum to the ecological report includes monitoring and enhancement measures in respect of sand dunes adjacent to the development which have also been included within the red line area of the application site is being consulted upon at the time of writing which it is understood are acceptable to the council's ecological advisor and are thus considered to meet the relevant policy and statutory requirements. 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 at the end of the consultation and notification period and no new material considerations being raised.

Recommendation

That delegated powers are granted to approve the planning application subject to the planning conditions below:

(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.

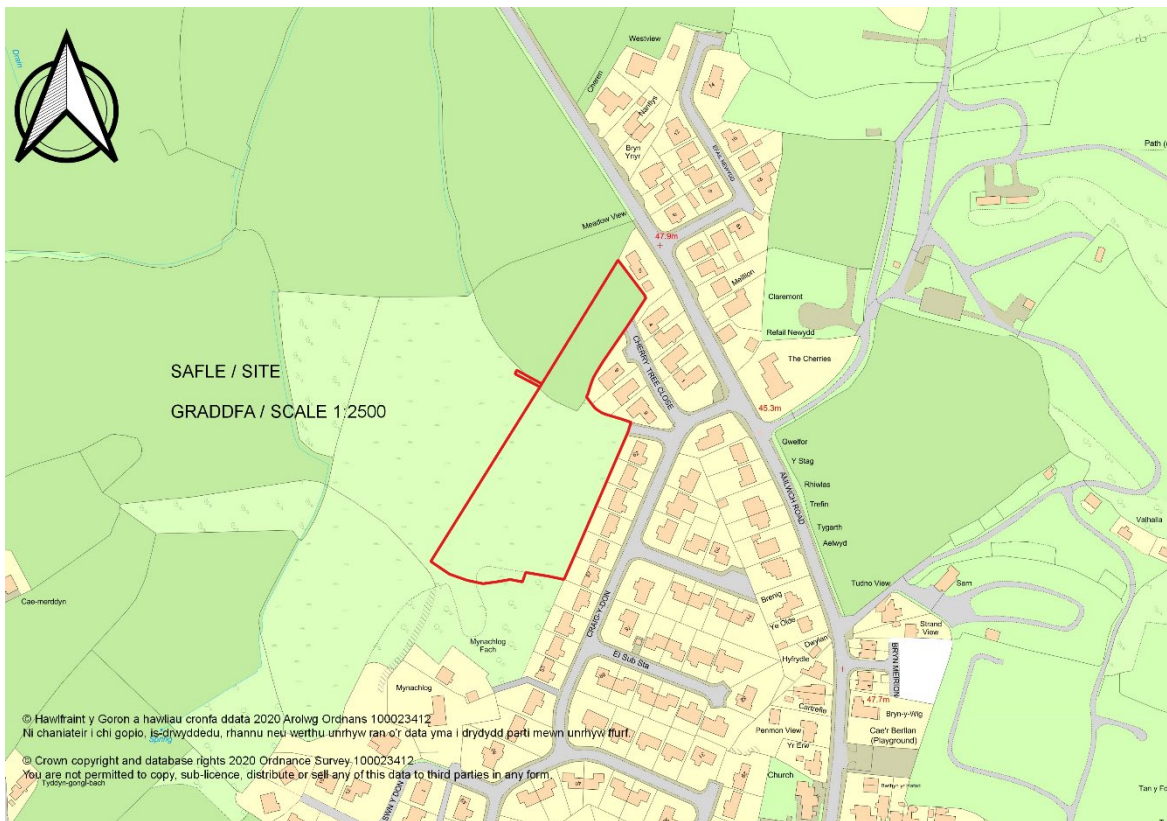
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2019/217

Applicant: Mr Dylan Davies

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

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



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

Recommendation: Permit

Reason for Reporting to Committee

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

At its meeting held on the 10th February, 2021 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reason being as follows:

The proposal would be contrary to Policy AMG 3 and TAI 16 of the Ynys Mon and Gwynedd Joint Local Development Plan

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

“Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee’s reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution.” Paragraph 4.6.12.2 requires that;

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

This report will therefore give consideration to this matter;

Policy AMG 3: The application site is located within a designated Local Wildlife Site, Cors Efail Newydd. The Cors Efail Newydd Wildlife Site was identified by North Wales Wildlife Trust and later formally designated as a local designation as part of the JLDP being classes as a ‘naturalness’. A preliminary Ecological Appraisal has been submitted with the application.

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

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

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

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

Policy TAI 16: As previously noted there is an identified need in Benllech for affordable dwellinghouses with no alternative sites within the development boundary which can be delivered in a reasonable timescale to address the need. Given due weight to this fact together with the mitigation and enhancement measures being proposed which will improve the un managed Wildlife Site, on balance it is considered there is an overriding social need for the proposed development. In addition, surface water from the proposed development will be directed in a controlled rate to an existing watercourse within the Wildlife Site. This will increase the wetness of the Wildlife Site which would be favourable to the ecological status of the site. There are currently no other sites for similar development therefore it is considered there is no other suitable available site that would avoid having a detrimental impact on sites of local nature conservation value or local geological importance.

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

The site is located immediately adjacent to the development boundary of Benllech. In terms of the principle of housing development, the development boundary is considered under policy TAI 16 of the Joint Local Development Plan (JLDP). In accordance with this Policy all units would have to be affordable housing that meets a defined local need. The policy states:

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

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

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

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

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

In terms of meeting a 'local need', the same definition applies as what is stipulated for the proposed affordable unit located within the boundary. The definition of who can live in these units are therefore very specific. Whilst it is noted in the information submitted with the planning application that all the units will be managed by Clwyd Alun Housing Association, it has been confirmed by the Housing Service there is a need for the units being proposed. The assessment includes a Housing Needs Survey and the

consideration of other planning applications, including the proposal for the erection of 27 affordable dwellings at Ponc Y Rhedyn, Benllech. The Housing Service have confirmed there is a need for the affordable units being proposed at both application sites. The Housing Service has also confirmed, outside Benllech there is a large demand for social and affordable housing in the Lligwy Electoral Ward.

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

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

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

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

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

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

Conclusion

Cors Efail newydd is identified as a Local Wildlife site in the Plan but there are no policies or mechanisms within the Plan to ensure that it is managed or protected. The site is deteriorating and without long term management the attributes which led to its designation may be lost. The application proposals provide an opportunity for a long term management plan which will seek to restore the site and secure its management and future biodiversity and habitat value.

The site is an exception site for affordable housing for a proven local need and in accordance with exception site criteria is located outside but adjoining the development boundary. The need for affordable housing at the scale proposed is demonstrated and the application complies with policy TAI 16 criteria.

Recommendation

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

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

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

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

- Location Plan 18-226-SP-01 Rev B
- Gable Elevation – 4B6P-404 Rev C
- Gable Elevation – 4B6P-403 Rev B
- Rear Elevation – 4B6P-402 Rev B
- Front Elevation – 4B6P-401 Rev C
- First Floor Plan – 4B6P-202 Rev B
- Ground Floor Plan – 4b6p-201 Rev B
- Roof Plan – 4B6P-203 Rev C
- First Floor Plan – 4B6P-102 Rev B
- Ground Floor Plan – 4B6P-101 Rev B
- Gable Elevation 2 – 3B5P-404 Rev C
- Gable Elevation 3B5P-403 Rev C
- Rear Elevation – 3B5P-402 Rev C
- Front Elevation – 3B5P-401 Rev C
- First Floor – 3B5P-202 Rev C
- Ground Floor – 3B5P-201 Rev C
- Roof Plan – 3B5P-203 Rev C
- First Floor – 3B5P-102 Rev C
- Ground Floor – 3b5p-101 Rev C
- Gable Elevation 2 – 3B5PDC-404 Rev B
- Gable Elevation – 3B5PDC-403 Rev A
- Rear Elevation – 3B5PDC-402 Rev B
- Front Elevation – 3B5PDC-401 Rev A
- First Floor Plan– 3B5PDC-202 – Rev B
- Ground Floor Plan – 3B5PDC-201 – Rev B
- Roof Plan – 3B5DC-103 Rev B
- First Floor Plan - 3B5PDC-102 Rev B
- Ground Floor Plan 3B5PDC-101 Rev B
- Side Elevation – 3B5PB-404 Rev B
- Rear Elevation – 3B5PB-403 – Rev B
- Side Elevation – 3B5PB-402 Rev A
- Front Elevation – 3B5PB-401 Rev B
- Ground Floor Plan – 3B5PB-201 Rev A
- Roof Plan – 3B5PB-102 Rev B
- Ground Floor Plan – 3B5PB-101 Rev B
- Gable Elevation – 2B4P-404 Rev C
- Gable Elevation – 2B4P-403 Rev C
- Rear Elevation – 2B4P-402 Rev B
- Front Elevation – 2B4P-401 Rev B
- First Floor Plan – 2B4P-202 Rev C
- Ground Floor Plan – 2B4P-201 Rev C
- Roof Plan – 2B4P-103 Rev C

- First Floor Plan – 2B4P-102 Rev C**
- Ground Floor Plan – 2B4P-101 Rev C**
- Proposed Site Layout Overall Masterplan – 18C226-SP03-1 Rev F**
- Proposed Site Layout – 18-226-SP03-2 Rev F**
- Proposed Site Layout (Sheet 2) – 18-226-SP03-3 – Rev F**
- Proposed Site Layout Landscape and External Works – Sheet 1 – 18-226-SP04-1 Rev E**
- Proposed Site Layout Landscape and External Works – Sheet 2 – 18-226-SP03-3 Rev E**

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

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

Reason: In the interest of residential amenity

(04) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution to the water environment.

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

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

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

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

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

Reason: In the interest of protected species.

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

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

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

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

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

Reason: In the interest of residential amenity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of amenity

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

Application Reference: 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

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

At its meeting held on the 10th February, 2021 the Committee resolved to refuse the application contrary to officer recommendation. The recorded reason being as follows:

The proposal would lead to unacceptable overlooking to the neighbouring property.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers

to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that:

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

This report will therefore give consideration to this matter:

The condition requiring screening was imposed in order to protect the amenities of neighbouring occupiers. Now that the units are built it is possible to assess the extent of any overlooking from the relevant balconies and window. Whilst a terraced area of the adjoining property at Bryntirion would be overlooked, the existing garage at the property obscures direct views to the rear of the property and to all but a small first floor dressing room window. The property has private garden areas which are not overlooked. It is not considered that the overlooking impact from the proposal would be unacceptable in those circumstances.

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.

- **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.