

Application Reference: FPL/2021/145

Applicant: Mrs Roberts

Description: Full application for the siting of 2 shepherd huts at

Site Address: Rhosydd, Brynteg



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

Recommendation: Refuse

Reason for Reporting to Committee

The application was called in to be determined at the Planning Committee at the request of local member Margaret Roberts.

At the planning committee of the 01/09/2021 the member resolved to recommend the application for a site visit. Subsequently, a virtual site visit has taken place and the local members are now aware of the site and its surroundings.

At the committee of the 06/10/2021 it was voted that the application be approved contrary to officer recommendation. The recorded reason being as follows:

- That the scheme is adjoining an existing static caravan site and that the scheme will not be visually harmful due to its siting between a caravan site and an agricultural shed.

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

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

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

This report will therefore give consideration to these matters;

The proposal is a standalone holiday enterprise which is independent from the adjoining static caravan site.. Furthermore, the permission for the static caravan site is long established and pre-dates the adoption of the Joint Local Development Plan.

It must be noted that the proposal does not align with policy due to its sub-standard sustainability credentials and non-compliance with the supplementary planning guidance in terms of high quality.

Conclusion

The proposal does not align with the definitions of a high quality development and as such does not accord with the provisions of the adopted development plan or other material considerations. The relatively rural location of the site will also mean that private transport will be a primary form of movement once guests have arrived at the site.

Recommendation

That the application is refused for the following reasons:

(01) The proposal by virtue of its limited number of units is not considered to be of high quality design and as such is in contravention to policies PCYFF 3 and TWR 3 of the Anglesey and Gwynedd Joint Local Development Plan.

(02) The proposal is located in an unsustainable location in the open countryside and would not accord with policies TWR 3, PS,4 and PS5 of the Anglesey and Gwynedd Joint Local Development Plan (2017), Planning Policy Wales (Edition 11), Technical Advice Note 18: Transport (2007) and Supplementary Planning Guidance Tourism Facilities and Accommodation.

Application Reference: FPL/2021/106

Applicant: Gareth Jones

Description: Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at

Site Address: Neuadd, Cemaes



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

Recommendation: Refuse

Reason for Reporting to Committee

At the request of the Local Member - Councillor Aled Morris Jones.

At the meeting held on the 6th October 2021, members resolved to visit the site. The virtual site visit took place on the 20th October 2021 and members will now be familiar with the site.

Proposal and Site

The application is for the siting of a wooden hut to accommodate a milk vending machine (Use Class A1) together with the formation of a hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes.

The application site is located in the open countryside in a designated Area of Outstanding Natural Beauty on the outskirts of the village of Cemaes. The application site comprises part of an agricultural enclosure off the A5025, some 0.4km from the settlement's development boundary and some 0.85km from the village centre.

Key Issues

The key issues are whether the proposal complies with relevant local and national planning policies, whether the proposal is acceptable in terms of its location and whether the proposal is acceptable in terms of its design and appearance and impacts upon the designated Area of Outstanding Natural Beauty.

Policies

Joint Local Development Plan

Strategic Policy PS 1: Welsh Language and Culture
 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 13: Providing Opportunity for a Flourishing Economy
 Strategic Policy PS 15: Town Centres and Retail
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
 Policy TRA 2: Parking Standards
 Policy TRA 4: Managing Transport Impacts
 Policy PCYFF 1: Development Boundaries
 Policy PCYFF 2: Development Criteria
 Policy PCYFF 3: Design and Place Shaping
 Policy PCYFF 4: Design and Landscaping
 Policy MAN 6: Retailing in the Countryside
 Policy AMG 1: Area of Outstanding Natural Beauty Management Plans
 Policy AMG 5: Local Biodiversity Conservation
 Supplementary Planning Guidance: Parking Standards (2008)
 Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
 Technical Advice Note 12: Design (2016)
 Technical Advice Note 18: Transport (2007)
 Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Ymgynghoriadau Cynllunio YGC	Objection
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Iechyd yr Amgylchedd / Environmental Health	Comments

Ymgynghorydd Tirwedd / Landscape Advisor	Comments/concerns.
Cyngor Cymuned Llanbadrig Community Council	Support.
Cynghorydd Richard Owain Jones	No response at the time of writing the report.
Cynghorydd Aled Morris Jones	Request that the application be referred to the Planning Committee for determination.
Cynghorydd Richard Griffiths	No response at time of writing report.

The application was afforded statutory publicity.. This was by the posting of personal notification letter to the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 01/07/2021.

At the time of writing the report 252 letters together a petition containing 3312 signatures had been received in support of the application.

Relevant Planning History

None.

Main Planning Considerations

The application is made for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd Cemaes.

The development has already been carried out without the benefit of planning permission and is operational.

It is also apparent that the works carried out at the site do not conform to the plans submitted with the application.

The application site is located in the open countryside in a designated Area of Outstanding Natural Beauty on the outskirts of the village of Cemaes. The application site comprises part of an agricultural enclosure off the A5025, some 0.4km from the settlement's development boundary and some 0.85km from the village centre.

The application is submitted as a farm diversification scheme in connection with an existing dairy farm at Nant Y Fran, located some 1.3km from the application site. The application site itself however, does not form part of the Nant y Fran farm and is not within the ownership of the applicant.

Policy PCYFF1 of the JLDP states that outside development boundaries development will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

The site is located within the designated Area of Outstanding Natural Beauty in a locally prominent location adjacent to the A5025 at the junction with the minor road to Llanbadrig. The site has attractive views to the coast and Cemaes but influenced by detracting features such as the A5025, wind turbines and longer views to Wylfa.

LANDMAP describes the area *'to the east and west of Amlwch, extending from the coast 2km... inland, this is an intricate small scale landscape with winding lanes, glimpses of the coast, small craggy hillocks and damp valleys... There are scattered houses and small fields... Within the area is the settlement of Bull Bay dominated by bungalows and holiday accommodation, and an adjacent golf course... These detract from the integrity of the nearby landscape, as do views glimpsed to Wylfa power station... Otherwise, this*

*is an attractive varied landscape...’ and of **High** value as an ‘Attractive and distinctive intricate landscape with rocky parts, views to coast, sheltered valleys... Generally unspoilt, except around Bull Bay’*

Despite its proximity to the A5025, the site displays the qualities typical of the LANDMAP description and local character of the AONB.

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

Policy AMG 1 relates to Area of Outstanding Natural Beauty Management Plans and states that proposals within or affecting the setting and/or significant views into and out of the Areas of Outstanding Natural Beauty must, where appropriate, have regard to the relevant Area of Outstanding Natural Beauty Management Plan.

The Anglesey AONB Management Plan 2015-2020 notes:

CCC 3.1 All development proposals within and up to 2Km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites.

CCC 3.2 All new developments and re-developments within and up to 2Km adjacent to the AONB will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development, will be supported.

The details submitted with the application are of a timber hut located at the Southern end of the site, measuring 5m x 3m x 2.5m painted with a dark wood stain and roofed with corrugated metal.

However the hut has been erected is in a different position and of a different design and colour to the submitted plans. The hut is closed to the elevation facing the A55 and internal lighting would be constant to the elevation facing the carpark. Some indicative planting is shown on the submitted plan, but no detailed specification is provided and in any case would not serve to adequately screen or landscape the development.

The hut together with the gravel hardstanding parking area are prominent and incongruous in the sensitive designated landscape and give rise to adverse effects, particularly as a result of the vehicular activity at the site, localised light spill from the open hut upon the special qualities of the AONB contrary to policy AMG 1 of the JLDP.

Strategic Policy PS15 (Town centres and retail) of the JLDP provides the strategic guidance for retailing within the plan area and reflects the Plan's aim of developing a planning framework which safeguards and enhance the position of town centres as locations for retail and commercial services. Whilst a more recent version of Planning Policy Wales (Edition 11, February 2021) has been released since the JLDP was adopted, it is considered that the Plans policies in respect of retailing are still consistent with the latest national planning guidance. In respect of the proposal in question attention is drawn to bullet points 4 and 6 of Policy PS15, which read as follows:

- Resisting development that detract from their vitality and viability and protecting against the loss of retail units within the Primary Retail Areas, as shown on the Proposal Maps (4).
- Restricting the expansion of out-of-town retailing and leisure development (6).

Policy MAN 6 relates to retailing in the countryside and states that proposals for small scale shops or extensions to existing shops outside development boundaries will be granted provided they conform to the following criteria:

- 1. The shop is a subservient element of an existing business on the site;*
- 2. The shop will not significantly harm nearby village shops;*
- 3. Priority has been given to using an appropriate existing building;*
- 4. The new use will not significantly harm the amenities of neighbouring residents or the character of the area;*
- 5. The development is accessible via sustainable means of transport;*
- 6. Access and parking arrangements are satisfactory and the development will not significantly harm highway safety.*

Paragraph 3.7.1 of Technical Advice Note 6 (TAN 6): Planning for Sustainable Rural Communities states that when considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

Paragraph 3.7.2 states that many economic activities can be sustainably located on farm. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

Paragraph 5.6.10 of Planning Policy Wales (Edition 11) (PPW 11) states that planning authorities should adopt a positive approach to diversification projects in rural area. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

Para 5.6.11 goes on to state that whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

Para 5.6.13 states that diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non-traditional livestock and crop farming, tourism projects, farms shops, and making and selling non-agricultural products. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Whilst accepting that the development has some connection with the existing Nant y Fran dairy farm, it is neither located on the farm or on land within the applicants' ownership or control, consequently the proposal fails to accord with criterion 1 of policy MAN 6 and the provisions of TAN 6 and PPW 1.

Paragraph 3.3 of the Planning Support Statement states that it is proposed that the development will take place on the application site, instead of at Nant Y Fran for a number of reasons. First, the proposed site is located a short distance off the A5025 meaning that it is more accessible for customers to reach. Secondly, the application site is located within closer proximity to sustainable modes of transport than Nant y Fran. Finally there is no available of appropriate sites for the proposed development at Nant y Fran.

It is considered that these arguments are not persuasive and do not provide a compelling justification for the development in this sensitive location or demonstrate that its location in the countryside is essential

and simply serves to reinforce the LPA's argument that the most appropriate location for this development would be within a development boundary.

It is clearly possible to operate and manage the venture away from the farm, however no compelling reasons been provided to justify the development in this particular open countryside location and designated AONB. Therefore, given that the village of Cemaes is located only a short distance further away, the LPA considers that the development would be best located at an appropriate site within the development boundary of the village or other appropriate location.

Whilst the LPA are generally supportive of farm diversification proposals, fundamentally, assessment of the application is concerned with the land use, that is retailing and there is no satisfactory mechanism available to the LPA to control or restrict the nature of the goods being sold. Indeed the planning statement confirms the applicants desire to sell other local produce through the vending machines such as cheese, jam, cakes and ground coffee.

The Local Planning Authority therefore consider that the establishment of a retail outlet in the open countryside in a designated Area of Outstanding Natural Beauty is unacceptable and is contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS15, MAN6, PS19, AMG1, the provisions of Planning Policy Wales (Edition 11) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

The consultation response received from YGC has highlighted that the site lies partly within zone A (Development advice maps accompanying TAN15: Development and Flood Risk) which is usually considered to be at little or no risk of flooding. However, a part of the site is shown to be at risk of flood risk in the latest floodmap for surface water. As such, it is considered that flooding is a material consideration in accordance with section 11.1 of TAN15.

They have therefore raised an objection to the development and advised that the developer should produce a Flood Consequences Assessment (FCA) which considers whether the site can be safely developed in accordance with TAN15, and increasing flood risk to nearby properties.

Additional information has been received and reviewed by YGC whom have confirmed that the information satisfactorily addresses their concerns and that their objection is therefore withdrawn.

Conclusion

The Local Planning Authority therefore consider that the establishment of a retail outlet in the open countryside in a designated Area of Outstanding Natural Beauty is unacceptable and is contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS15, MAN6, PS19, AMG1, the provisions of Planning Policy Wales (Edition 11) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

Recommendation

That the application is refused for the following reasons:

(01) The Local Planning Authority considers that the development by virtue of not being a subservient element of an existing business on the site is contrary to the provisions of policy MAN 6 of the Anglesey and Gwynedd Joint Local Development Plan.

(02) The Local Planning Authority considers that the proposal would result in the unacceptable and unjustified development of an isolated A1 retail outlet in the open countryside contrary to the provisions of policies PCYFF1 and PS 15 of the Anglesey and Gwynedd Joint Local Development Plan and the advice contained within Technical Advice Note 6 'Planning for Sustainable Rural Communities' and Planning Policy Wales (Edition 11).

(03) The Local Planning Authority considers that the development neither conserves nor enhances the special qualities and features of the designated Area of Outstanding Natural Beauty to the detriment of the character and appearance of the area contrary to policies PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS19 and AMG 1 of the Anglesey and Gwynedd Joint Local Development Plan.

Application Reference: FPL/2021/108

Applicant: Mr Antony Welsh

Description: Full application for conversion of the outbuilding into an affordable dwelling together with alterations and extensions thereto at

Site Address: Fedw Uchaf, Brynrefail, Dulas



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

Recommendation: Refuse

Reason for Reporting to Committee

The application is presented to the Planning and Orders Committee at the request of the Local Member, Councillor Margaret Murley Roberts.

At its meeting held on the 6th October, 2021 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:

- That the proposal complies with policy TA17, that there is no alternative employment use has been shown and that the alterations are not extensive.

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

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

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

This report will therefore give consideration to these matters;

- That there is no alternative employment use has been shown

Criterion 1 of policy TAI 7 requires that it be demonstrated that there is evidence that employment use of the building is not viable.

The information submitted with the application demonstrates that it has been marketed for commercial use at £700 per calendar month for a period of 12 months (this price equates to £8400 per annum or £120/m²).

The marketing information has been reviewed by the Authority's Principal Valuation Officer who has concluded that having regard to the location of the site, the condition of the building and the lack of services (electricity, water, drainage) that the rental valuation of £700pcm is excessive and not realistic.

By way of comparison, the Principal Valuation Officer has advised that brand new industrial units were recently let for £40/m² in Holyhead and a 1980's industrial lock-up unit of similar size is let at £30/m² in Newborough. The rental valuation of the subject property is therefore 3-4 times greater than these comparable examples.

At the Planning Committee held on the 6th October 2021, the agent for the application sought to draw comparison with Melin Y Graig in Llangefni which has been marketed for rent by the Authority for £7,500 per annum.

The Principal Valuation Officer has confirmed that comparable evidence is based on actual completed lettings and not asking prices and that as the Council has been unable to let Melin y Graig, the Housing Service is currently reviewing the situation in relation to that particular property.

Clarification has been sought from the agent in relation to the rental valuation attributed to this property, however to date no compelling information has been received by the LPA to demonstrate that the rental valuation in this instance has been appropriate.

Consequently the LPA remain of the opinion that it has not been demonstrated that that employment use of the building is not viable contrary to the requirements of criterion 1 of policy TAI 7.

- The alterations are not extensive.

Members of the Committee resolved to approve the application contrary to officer recommendation on the grounds that there is no development plan policy in relation to the size and scale of extensions which are appropriate and permissible as part of conversions schemes, noting that the content of the SPG is simply guidance and not policy.

The LPA would argue however that this is not the case and it is in fact a requirement of policy TAI 7 that 'No extensive alterations are required to enable the development' (criterion 4).

Section 8.0 of the associated Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside provides guidance in relation to extensions and the extent to which they may or may not be acceptable in relation to compliance with criterion 4 of the policy.

Paragraph 8.1 of the SPG states that in the context of Policy TWR 2 together with policy TAI 7 the building intended for conversion for alternative use should be suitable for the proposed use. The building in its current form (in terms of size) should be suitable; no extensive extensions should be required to enable the development.

Paragraph 8.2 states that where strong justification is submitted, it may be possible to justify small additions to the original building as long as these additions have been designed in a way that is sensitive and in keeping with the original building. Any extensions should add value to the building in terms of architectural design as well as a wider contribution to the local environment.

Paragraph 8.3 states that any addition should be fit for purpose and should not be an aspiration by the applicant to add luxury (e.g. play room, additional bedroom). The types of extensions considered to be suitable include a small foyer or small extension to the walls to create more practical space within the essential rooms (e.g. kitchen and bathroom).

The proposed conversion includes the addition of two extensions to the existing building. The extension to the side, in lieu of an existing metal shed, accommodates approximately half of the kitchen/diner and the extension to the rear accommodates two bedrooms a bathroom and hallway. Within the existing building it is intended to provide WC, living area, bedroom and external boiler room.

The floorspace of the retained elements of the existing building is approx. 46m² and the floorspace of the proposed extensions are 34m², amounting to a 74% increase in the floorspace of the building.

As noted above, criterion 4 of policy TAI 7 requires that no extensive alterations are required to enable the development. The expectation is that the existing building is suitable i.e. large enough for the proposed use and that essential rooms are contained within the existing building i.e. kitchen, bathroom, bedrooms and that any extensions which may be required are small.

It is clear from the submitted plans that the kitchen, bathroom and two of the three bedrooms would be contained within the proposed extensions. The extent of the extensions required to enable the development, which increases the amount of floor space by 75% is therefore regarded as being excessive and unacceptable having regard to the requirements of criterion 4 of policy TAI 7 and the guidance contained in the SPG.

Furthermore, the need for these extensive extensions is indicative of the fact that the existing building is not therefore, in terms of its size, suitable for the proposed use.

In light of the above, the LPA remain of the opinion that the proposal is contrary to the provisions of policy TAI 7 of the JLDP.

Conclusion

In light of the above, the proposal is therefore considered to be contrary to policies TAI 7 of the Joint Local Development Plan, the advice contained in the Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside.

Recommendation

That the application is refused for the following reason:

(01) The Local Planning Authority considers that the development is contrary to the provisions of Policy TAI 7 of the Anglesey and Gwynedd Joint Local Development Plan and Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside (September 2019).