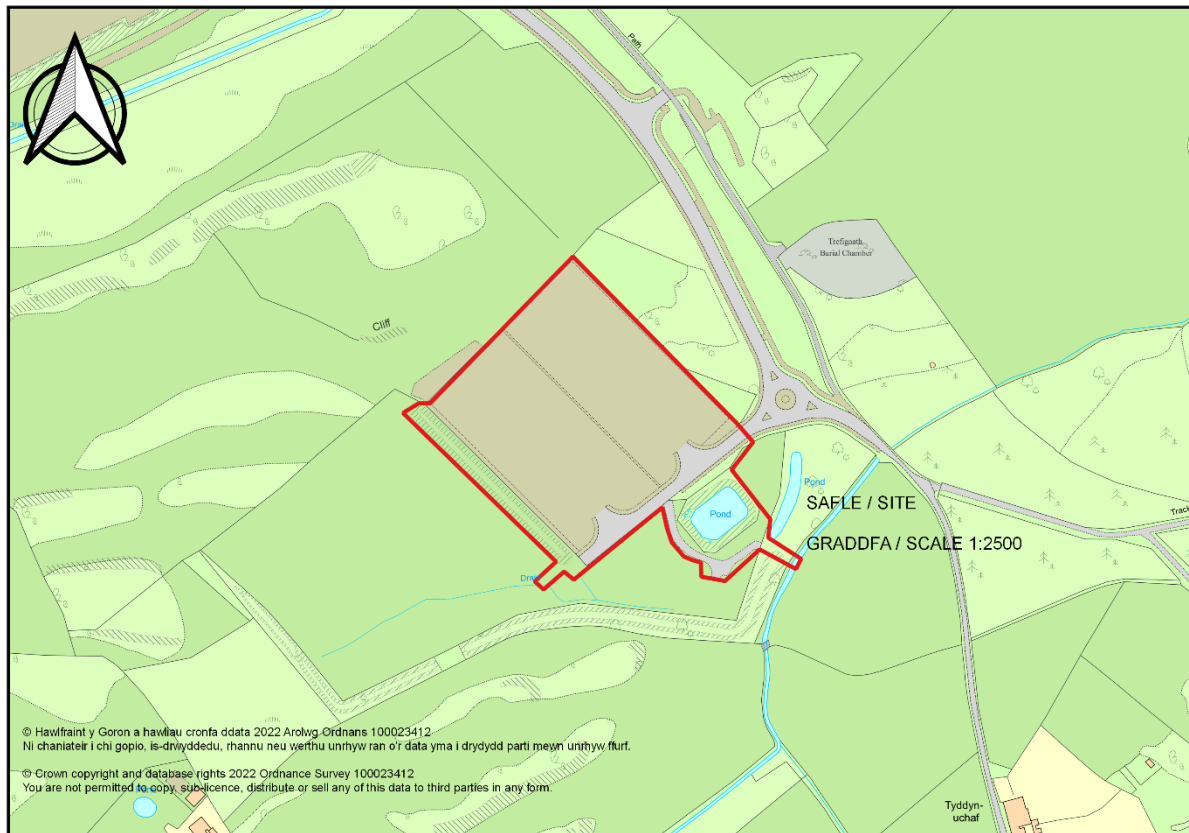


Application Reference: DIS/2022/68

Applicant: Llywodraeth Cymru

Description: Application to discharge condition (07)(signage scheme) of planning permission FPL/2022/65(for the retention of HGV parking area and associated works for a temporary period of 12 months) at

Site Address: Plot 9 (eastern half), Parc Cybi, Holyhead



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Condition Partially Discharged

Reason for Reporting to Committee

The application is to discharge condition imposed by the Planning and Orders Committee under planning application reference FPL/2022/65 "Full application for the retention of HGV parking area and associated works for a temporary period of 12 months at Plot 9 (Eastern Half), Parc Cybi, Holyhead" at it's meeting that was held on the 15th June, 2022.

Proposal and Site

This is an application to discharge condition (07) (signage scheme) of planning permission FPL/2022/65 (retention of HGV parking area and associated works for a temporary period of 12 months) as Plot 9, Parc Cybi, Holyhead.

Key Issues

The key issue is whether the statutory consultees are satisfied that the information submitted is sufficient to discharge the conditions.

Policies

Joint Local Development Plan

Policy TRA 4: Managing Transport Impacts

Response to Consultation and Publicity

Consultee	Response
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response to date
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing this report

There was no requirement to carry out publicity as part of this planning application.

Relevant Planning History

19C842A/EIA – Cais am ar gyfer datblygiad arfaethedig ardal defnydd cynysg swyddi (B1, B2, B8) yn cynnwys swyddfeydd, diwydiant a defnydd gwesty ynghyd a creu mynedfa newydd i gerbydau ar dir ger / Outline application for the mixed used development comprising of employment (B1, B2, B8) to include offices, industrial use and hotel together with the construction of a new vehicular access at Ty Mawr, Holyhead – Caniatáu / Permit 07/03/2005

SCR/2021/84 - Barn sgrinio ar gyfer gwaith peirianeg, draenio a threfniadau dyluniad safle ar gyfer parcio lorïau HGV ynghyd â chabanau llesiant staff cysylltiedig ar dir yn / Screening Opinion for engineering, drainage and site layout arrangement for the parking of HGVs, together with related staff welfare cabins on land at - Plot 9, Parc Cybi, Caergybi / Holyhead - Dim Angen AEA / EIA Not Required 93/12/2021

PAN/2021/19 - Hysbysiad mewn perthynas â cham 2 o'r gwaith yn / Notification in respect of phase 2 of works at - Plot 9 Parc Cybi, Caergybi / Holyhead – Datblygiad a Ganiateir / Permitted Development

FPL/2022/65 - Cais llawn i gadw maes parcio HGV a gwaith cysylltiedig am gyfnod dros dro o 12 mis yn / Full application for the retention of HGV parking area and associated works for a temporary period of 12 months at - Plot 9 (Eastern Half), Parc Cybi, Caergybi / Holyhead - Caniatáu / Permit 21/06/2022

Main Planning Considerations

Planning permission was granted under planning application reference FPL/2022/65 for the retention of HGV parking area and associated works for a temporary period of 12 months at Plot 9 (Eastern Half), Parc Cybi, Caergybi / Holyhead.

Condition (07) of planning application reference FPL/2022/65 requested the applicant provide details of all internal and external signage for the site. The reason for the condition was to safeguard and maintain the Welsh language and Culture.

Drawing number 400757-MMD-EP-09-DR-C-0004 has been received from the applicant which confirms that the signage scheme will be bi-lingual. The Highway Authority have also confirmed that the details submitted are acceptable and raised no objection to the scheme.

Conclusion

Sufficient information has been received to discharge condition (07) (signage scheme)

Recommendation

That the condition is partially discharged

Application Reference: FPL/2022/189

Applicant: Mr Ricky Danis

Description: Retrospective application to retain the use of a flat at

Site Address: Bilash, Dew Street, Menai Bridge



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

Recommendation: Permit

Reason for Reporting to Committee

The planning application has been called in by Councillor Robin Williams

Proposal and Site

The application site lies within the main nucleus of Menai Bridge and is accessed along a narrow metalled road known as Dew Street. The site also lies within the Menai Bridge Conservation Area.

This planning application is a retrospective application for the retention of a flat at a former bakery building.

Key Issues

The key issues is are;

- whether the proposed development complies with the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan
- whether the proposed development impacts adversely upon surrounding amenities and;
- whether the proposed development has an adverse impact on the Menai Bridge Conservation Area

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy TAI 2: Housing in Local Service Centres

Strategic Policy PS 1: Welsh Language and Culture

Policy TAI 8: Appropriate Housing Mix

Policy TAI 15: Affordable Housing Threshold & Distribution

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Strategic Policy PS 5: Sustainable Development

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 5: Carbon Management

Policy PCYFF 6: Water Conservation

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Alun Wyn Mummery	No response received
Cynghorydd Dyfed Wyn Jones	No response received
Cynghorydd Robin Wyn Williams	Call in into the planning committee
Cyngor Tref Porthaethwy / Menai Bridge Town Council	Observations from members of the town council is that the property area and surrounding area is untidy also consideration should be given to a better design. It was formerly used as a store for Co-Op located on the high street.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection to the planning application
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comment relating to planning policies within the Anglesey and Gwynedd Joint Local Development Plan.

Dwr Cymru Welsh Water	Comments. Request to place planning conditions if the local planning authority is minded to grant planning application.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response received
Ymgynghorydd Treftadaeth / Heritage Advisor	No comments from a built heritage perspective

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The latest date for the receipt of any representation was the 17/08/2022. At the time of writing this report, six letters of representation had been received at the department. Their concerns were:

- I feel this unit is so small and is unsuitable for a flat
- I note that this retrospective planning application refers to a garage structure which has been used as a residential dwelling for a period of time. This property is nothing more than a garage structure in terms of planning regulations. This application ought to be declined as the area surrounding is a commercial premises and is therefore wholly unsuitable as a dwelling.
- This garage was utilised as storage for a bakery for many years. It is too small and unsuitable for use as residential.
- it is only a little larger than a single garage.
- I object to the application made by Mr Ricky Danis for retrospective planning permission for the flat on Dew Street. The building is made of sub-standard materials and has been built to fill the area behind an existing business warehouse. The dwelling has filled the whole area with no access to the back or sides. There are no parking rights and the building is unsightly and I fear that by approving Mr Danis's application this could set a precedent where any of the garages or empty spaces could be filled with similar 'shanty town' dwellings.

The majority of the representations submitted relate to the size of the unit. These will be addressed within the main body of the report.

The matter of building material quality lies beyond the remit of Planning Control and is covered within separate legislation. Nevertheless, the local planning authority have referred these concerns onto the agents for information.

Highway concerns will also be addressed within the main body of the report.

Relevant Planning History

No planning history at this location.

Main Planning Considerations

This application is made under retrospective planning application for the use of the building as a residential flat at Dew Street, Menai Bridge.

The proposal entails the conversion and retention of unauthorised works carried out to create a residential unit. No new extensions are proposed as part of the current proposal.

The use of the building as a flat first commenced in 2005. Whilst mechanisms exists by way of S.191 of the Act to regularise matters through the submission of a Certificate of Lawful Use, such provision cannot be relied upon in this instance given the fact that the residential use has not been continuous and un-interrupted for a period of at least 4 years from date of submission. As such, a planning application has been presented in an effort to regularise the issue as a result of the Enforcement Sections intervention of matters.

The internal floor area of the building measures 32.3 square metres. The flat consists of a living room with a kitchen area and a separate bedroom which includes an en-suite. Following public representations received in relation to the scale of the flat/building, consultations were carried out with officers from the Public Protection department to ensure that the scale of the building is sufficient to be used as a living accommodation. By way of a response to the consultation the following was received:

The property is comprised of a living room/kitchen, bathroom and bedroom. The bedroom measured 11.76 square meters. As per Section 326 of the Housing Act 1985, this property would be suitable for up to 2 persons (provided the 2 persons are living together as a married couple or civil partners).

Policy Considerations

In the JLDP Menai Bridge is identified as a Local Service Centre under Policy TAI 2 (Housing in Local Service Centres). It is noted that the proposed site is located within the Menai Bridge development boundary as noted in the Anglesey and Gwynedd Joint Local Development Plan. In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations.

The indicative provision for Menai Bridge over the Plan period is 115 units (74 units on allocated sites and 41 units on windfall sites) (which includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc.). During the period of 2011 to 2021, a total of 69 units have been completed in Menai Bridge (15 on allocated sites and 54 on windfall sites). The total landbank (windfall and allocated sites), i.e. sites with existing planning consent, and likely to be developed at April 2021 stood at 53 units). When considering all this information together, there is insufficient capacity within Menai Bridge for this additional windfall unit.

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. 859 units were completed between 2011 and 2021 in all Local Service Centres and that 493 units were in the land bank. This means that there is a current shortfall of 402 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centres category.

However, as the settlement can achieve its expected level of growth on sites through units completed, implementation of the current land bank and development of the allocated site, this application will need to be justified outlining how the proposed development is addressing the needs of the local community.

In accordance with the above requirements, details have been submitted to demonstrate the need for the development in the area and the policy section has confirmed that the information is acceptable to meet the needs of the Local Service Centre.

In light of the position in relation to the indicative provision outlined above, in line with criterion (1b) of Policy PS 1 the application was required to be supported with a Welsh language statement. A Welsh Language Statement was submitted and is considered to meet the tests of Policy PS1.

In line with Policy TAI 8 consideration will need to be given over whether the development addresses evidence of need and demand for housing recorded in a Housing Market Assessment and other relevant

local sources of evidence. The Housing Section has confirmed that there is a need for this type of development in the area.

Policy TAI 15 seeks an appropriate provision of affordable housing. It has a threshold figure of 2 or more units within Local Service Centres such as Menai Bridge. Since only one dwelling is being proposed in this development Policy TAI 15 is not relevant in this case and it is not necessary to provide an affordable element.

Conservation Area

The site is located within the Menai Bridge Conservation Area. Therefore, the proposal has been considered against Policy AT1 ('Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens') of the JLDP. The Heritage officer has confirmed the following:

Developments within the area should seek to 'preserve or enhance' the character of the designated area.

The proposals appear to be in relation to internal alterations and change of use with no external alterations that would impact upon the character of the conservation area. Consequently, I have no comments from a built heritage perspective.

In effect its visual impact is not significant, obtrusive, nor dominating bearing in mind the existing built form, local topography, and its overall design and appearance; it would not result in visual harm to either the site or the wider area.

Design

No new extension or external alterations are proposed for this flat – only the existing footprint of the building will be used as a one bedroom dwelling. It is considered that utilising it as a residential unit rather than allowing it to fall into disrepair will result in a long term improvement to the surrounding area.

The scale and nature of change proposed coupled with its containment within the existing tightly knit built form creates a form of development where there would be no significant impacts on the character or appearance of the immediate area or the wider street scene. It is considered that the proposal therefore complies with the requirements of Policy PCYFF3

Highways

Whilst mindful of the comments received from members of the public the Highway Authority raises no objection to the proposed development. The site lies in a sustainable location within walking distance of all local amenities and public transport routes. In addition, given the very low number of vehicles expected to visit the site I am satisfied that there would be adequate parking provision. The proposal would not, therefore, cause unacceptable harm to the safe and efficient operation of the highway and would comply with LDP Policy TRA 4.

Adjacent Residential Properties

It is not considered that the proposed development will impact any residential properties. Only two windows serve the proposal which look out towards an alley and a yard at the rear. It is not considered that the proposal will result in any increase in terms of overlooking over and above that which already exists on the site.

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

the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

On balance, for the reasons I have given and having regard to all matters raised, it is considered that the proposed development complies with the relevant planning policies and the recommendation is one of approval subject to planning conditions.

Recommendation

That the application is permitted subject to the following conditions:

(01) 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: 3014-22-1**
- **Site Plan - 3014-22-2**
- **Elevation and Floor Plan - 3014-22-4**
- **Welsh Language Assessment**
- **Justification for the development**

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

(02) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

(03) Within 6 months of the date of this planning permission, a sparrow box shall be placed on the building. Thereafter the sparrow box shall be retained in perpetuity.

Reason: In the interest of ecological biodiversity

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, TAI 2, Policy PS 1, TAI 8, TAI 15, AT 1, TRA 4, TRA 2, PS 5, PCYFF 2, PCYFF 3, PCYFF 4, PCYFF 5, PCYFF 6

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

Application Reference: FPL/2022/53

Applicant: Watkin Jones & Son Ltd

Description: Full application for the erection of 22 open market dwellings and 1 affordable dwelling, alterations to the existing access, creation of an internal access road together with associated works on land adjacent to

Site Address: Cae Braenar, Penrhos, Holyhead



Report of Head of Regulation and Economic Development Service (Gwen 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.

Proposal and Site

The application site comprises approximately 0.8 hectares of land which is currently overgrown within the development boundary of Holyhead. The land is situated to the North of Ysbyty Penrhos Stanley. To the North boundary is Cae Braenar estate, To the West is Cae Braenar and Digney Close estates and to the

South is Lewascote estate. Access to the site will be via Cae Braenar estate and also includes a pedestrian access.

The application site as well as land to the east towards the sea is identified as protected open space/play area in the JLDP; however, consideration must be given to the fallback position for 14 dwellings which has been lawfully implemented. The trees on the north-east and south-west boundaries are protected by a Tree Preservation Order.

This is a full application for the erection of 23 affordable dwellings, alterations to the existing access, creation of an internal access road together with associated works.

The proposal constitutes a major planning application which has been subject to statutory pre-application consultation process. The requirement to carry out a pre-application consultation is set out in Section 17 of the Act and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended by the 2016 Order.

Key Issues

- ☐ Principle of Residential Development
- ☐ Design
- ☐ Open Space
- ☐ Highway Considerations and Sustainability
- ☐ Drainage
- ☐ Ecology and Biodiversity Considerations
- ☐ Japanese Knotweed
- ☐ Landscape
- ☐ Relationship with Adjacent Properties
- ☐ Welsh Language and Culture

Policies

Joint Local Development Plan

PS 1: Welsh Language and Culture
ISA 1: Infrastructure Provision
ISA 4: Safeguarding Existing Open Space
ISA 5: Provision of Open Space in New Housing Developments
PS 4: Sustainable Transport, Development and Accessibility
TRA 2: Parking Standards
TRA 4: Managing Transport Impacts
PS 5: Sustainable Development
PS 6: Alleviating and Adapting to the Effects of Climate Change
PCYFF 1: Development Boundaries
PCYFF 2: Development Criteria
PCYFF 3: Design and Place Shaping
PCYFF 4: Design and Landscaping
PCYFF 6: Water Conservation
PCYFF 5: Carbon Management
PS16: Housing Provision
PS17: Settlement Strategy
TAI 1: Housing in Sub Regional Centre & Urban Service Centres
TAI 8: Appropriate Housing Mix
PS18: Affordable Housing
TAI 15: Affordable Housing Threshold & Distribution
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character

AMG 5: Local Biodiversity Conservation
 PS 19: Conserving and where appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 11)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
 Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)
 Technical Advice Note (TAN) 12: Design (2016)
 Technical Advice Note (TAN) 18: Transport (2007)
 Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance Affordable Housing (2004)
 Supplementary Planning Guidance IOCC Design Guide for the Urban and Rural Environment (2008) "SPG Design Guide"
 Supplementary Planning Guidance Parking Standards (2008)
 Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2008)
 Supplementary Planning Guidance Housing Mix (October 2018)
 Supplementary Planning Guidance Maintaining and Creating Distinctive and Sustainable Communities.
 Supplementary Planning Guidance Open Space in New Residential Development (2019)

Response to Consultation and Publicity

Consultee	Response
Bwrdd Iechyd Betsi Cadwaladr Health Board	No response at the time of writing the report.
Cynghorydd Pip O'Neill	The proposal is unacceptable, not in keeping with the surrounding area, impact on the living standards of the community. Pressure on existing services in the area and Highway concerns.
Dwr Cymru/Welsh Water	Confirmed that they have no objection to the proposal with appropriately worded condition.
Ymgynghorydd Tirwedd / Landscape Advisor	Conditional Approval.
Iechyd yr Amgylchedd / Environmental Health	Standard comments in relation to working hours, vibration and contaminated land.
Draenio Gwynedd / Gwynedd Drainage	Confirmation has been received that an application will need to be submitted to the SAB .
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Standard policy comments and confirmation no open space provision will be required due to a £10k contribution already being paid under the previous fallback planning application.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Satisfied with the proposal with appropriately worded conditions.
GCAG / GAPS	No recommendation for mitigation.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objections raised to the proposal, satisfied with the Construction Traffic Management Plan submitted and recommendation of approval subject to relevant highway conditions.

Gwasanaeth Addysg / Education Service	There will be a requirement to provide a financial contribution of £110,313 towards facilities at Ysgol Llanfawr.
Strategol Tai / Housing Strategy	Confirmation received on the need for affordable housing in Holyhead and confirmation that there is appropriate housing mix within the site.
Cyfoeth Naturiol Cymru / Natural Resources Wales	NRW has confirmed that the information submitted is acceptable and recommends approval subject to a condition which relates to the ecological information.
Cynghorydd Jeff M. Evans	Requested the application is called in to the planning committee for consideration due to the proposal not being in keeping with the character and appearance of the area in terms of siting, appearance, height and scale. There is also Japanese Knotweed on the site. Parking, traffic and road safety concerns.
Cyngor Tref Caergybi / Holyhead Town Council	Objection: Overshadowing and privacy, Increased traffic, and out of character with the area.
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No comments due to no requirement to provide Welsh Language Statement.

The application was advertised by means of individual letters to neighbouring properties and a notice was placed in the local newspaper. The expiry date to receive representations ended on the 8th September, 2022. To date a total of 32 objection letters had been received, the main comments as follows:-

- ☐ Overdevelopment, overbearing and overlooking issues
- ☐ Adequacy of sewers, electric and water
- ☐ Trees cut down already on the site
- ☐ Access too narrow on a bend, inadequate for passing vehicles especially during construction works and is this safe for children
- ☐ Cae Braenar estate road already in poor condition and narrow and cannot accommodate additional traffic.
- ☐ Construction Traffic
- ☐ Is there sufficient space in local schools and impact on Health Board
- ☐ Impact on the Welsh Language and the need for a Welsh Language Statement
- ☐ Proposal will have impact on amenity/overlooking of adjacent residential properties which are privately owned
- ☐ De-value existing properties
- ☐ Land is designated Open Space in JLDP
- ☐ Residents not given opportunity to comment on previous historical planning application
- ☐ The land is currently used by the community
- ☐ Need for this site as other sites offer affordable housing in Holyhead
- ☐ Detailed ecology report not carried out
- ☐ Fence should be erected around the boundary of the site
- ☐ Site designated AONB
- ☐ Impact on Ecology
- ☐ Insufficient ecological reports
- ☐ Urbanising effect
- ☐ Noise, pollution
- ☐ Public Inquiry in 97
- ☐ Design out of keeping

- ☐ Japanese Knotweed on site
- ☐ Development not to benefit of community
- ☐ Dwellings will not be affordable
- ☐ The area needs affordable housing not open market housing

In response to the comments made:-

- ☐ The site is not overdeveloped. When considering density consideration has been given to Criterion 3 of Policy PCYFF2 which confirms that the density of the site is acceptable, this is given more consideration in the main body of the report.
- ☐ All statutory consultees such as Welsh Water has confirmed that they are satisfied with the capacity in the area.
- ☐ The site has been cleared; however, planning permission is not required for clearing the site. However if the applicant knowingly spread Japanese Knotweed out of the site, this would have been a criminal offence and the Police should have been informed. The Planning Department would not be able to enforce this. If works was carried out in bird nesting season and there was evidence of impact on ecology the Police should have been informed.
- ☐ The Highways Department has confirmed that the access and parking arrangements are acceptable and they have confirmed that the road is capable of accommodating the proposal without having an impact on highway safety.
- ☐ A construction traffic management plan has been received with the planning application. The Highways Authority is satisfied with the traffic management plan submitted.
- ☐ Consideration has been given to the impact of the development on the amenity of adjacent residential properties. It is not considered that the proposal would have a negative impact on adjacent residential properties. This is further discussed in the main body of the report.
- ☐ The Education Department has requested a £110,313 financial contribution towards Ysgol Llanfawr which will be dealt with via a S106 agreement
- ☐ There is no need for the developer to provide a Welsh Language Statement with the planning application which is explained further in the main body of the report.
- ☐ De-valuation of properties is not a planning consideration.
- ☐ Open Space - It is somewhat unclear why this area of open space (the whole open space area extends beyond this site) was carried over from that shown in the Ynys Môn UDP (2005) when considering the previous planning approval on the site. Regards has been given to the fall-back position (safeguarded consent) and the lack of public access to the site. It is therefore considered that the above justifies the loss of this part of the open space provision.
- ☐ Residents were given opportunity to comment on the historic planning applications
- ☐ The land is privately owned
- ☐ The affordability element has been explained in the main body of the report.
- ☐ An ecological report has been provided with the planning application. Natural Resources Wales and the Ecological Advisor of the Council has confirmed that the proposal is acceptable with suitably worded conditions.
- ☐ Natural Resources Wales has confirmed that there is no need for further ecological reports.
- ☐ A 1.8m high security fence is erected on the North East and South East of the site and a 2m hedgerow with post and wire fence erected on the South West boundary.
- ☐ The site is not in an AONB
- ☐ It is not considered that the proposal will have an urbanising impact greater than what has been previously approved on the site which has since been safeguarded.
- ☐ There will be some noise during construction stage, but this is only temporary and can only be expected with new construction.
- ☐ This planning application is determined in accordance with current policies of the JLDP and relevant current Supplementary Planning Guidance.
- ☐ It is not considered that the proposal will be out of keeping in the area, the design has been addressed in the main body of the report.
- ☐ Japanese Knotweed is present on site, a report has been received identifying the areas where the JK is located on site together with an eradication plan. NRW has confirmed that they are satisfied with the document and their previous concerns have been addressed.

☐ The 1 affordable dwelling will be subject to a Legal S106 to ensure that it will remain as an affordable dwelling.

Relevant Planning History

19C171B - Full application for 14 dwellings together with alterations

19C171F - Amended drainage scheme approved under consent 19C171B – Approved 18/3/08

19C171H – Certificate of Lawfulness for material start on consent 19C171B – Lawful 18/2/13

Main Planning Considerations

Principle of Residential Development

In the JLDP Holyhead is identified as an Urban Service Centre under Policy TAI 1. This policy supports housing to meet the Plan's strategy through housing allocations and suitable unallocated sites within the development boundary based upon the indicative provision shown within the Policy. This site lies within the Holyhead development boundary.

In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals within development boundaries are approved if they comply with other policies and proposals in the Plan, National policies and other relevant planning considerations.

The application site benefits from an extant planning permission (19C171B) for residential development of 14 dwellings. This included six four-bed dwellings and eight three-bed dwellings, all two storey high. Permission 19C171B has been implemented and a Certificate of Lawful Existing Use (19C171H) has been issued.

Criterion (3) within Policy PCYFF 2 seeks to ensure that proposals make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density). The provision of 23 dwellings would provide a density of development at 29.5 dwelling per hectare which is only slightly short of the requirements of Policy PCYFF 2; however, it is necessary to consider the proposed development includes SUDS requirements, parking, footpath and internal access road and to ensure that the proposed dwellings are located at an acceptable distance away from existing residential properties.

Policy TAI 8 of the JLDP requires that the mix of housing in a development are appropriate and align with the need of the area. The mix of dwellings comprises 19no two-bed units and 4no three-bed units which would contribute towards meeting the identified need in Holyhead. The proposed housing mix would complement the housing mix provided within the area and in light of the above, the Local Planning Authority are of the opinion that the proposal can be supported on the grounds of need in the locality.

Policy TAI 15 requires that part of the proposed development is provided for affordable housing purposes and in Holyhead this equates to 10% of the overall number of units which equates to 2.3units. The council's Housing Service has confirmed that there is a need for affordable housing based on the council housing waiting list and the Tai Teg register. However the developer as part of the previous planning application 19C171B has provided 4 affordable units on a nearby site at Turkeyshore Road. Since the proposal would increase the number of units on the site by 10 in line with Policy TAI15 one of these units should be affordable.

Design

The proposal involves the erection of 23 no two storey dwellings, the dwellings will be constructed of red brick, upvc windows and doors and a tiled roof. The dwellings on the Cae Braenar estate are single storey bungalows; however, within close proximity of the site are also two storey dwellings.

Consideration must also be given to the safeguarded planning consent 19C171B which included 14 no two storey dwellings.

It is considered that the design and materials of the proposed dwellings are high quality and meet the criteria of Policy PCYFF3. Even though the dwellings on Cae Braenar are single storey bungalows it is not considered that the proposal will look out of place on the site or have an impact upon the landscape.

Open Space

The site is currently identified as protected open space under Policy ISA 4 of the JLDP. It is somewhat unclear why this area of open space (the whole open space area extends beyond this site) was carried over from that shown in the Ynys Môn UDP (2005) when considering the previous planning approval on the site.

Regards has been given to the fall-back position (safeguarded consent) and the lack of public access to the site. It is therefore considered that the above justifies the loss of this part of the open space provision.

Highway Considerations and Sustainability:

Access to the site would be via the existing vehicular access off Cae Braenar which would include vehicular and pedestrian access. The proposed access has a visibility splay of 43m in each direction.

The internal access road will be constructed to adoptable standards and would provide a footway on either side of the main road into the site.

A Transport statement has been received with the planning application to consider the level of traffic demand anticipated to be generated by the development proposals. The Transport statement provides information on the maximum total trip demand during peak periods during the week. Consideration has also been given to the safeguarded planning consent for 14 residential dwellings which represents the baseline position. The report states that the development would represent appropriate and sustainable development in highway and transport terms. There is no evidence to suggest that the development would give rise to severe detrimental impact on local highway network operation, with development traffic increases would be of a strictly limited scale and would not require the provision of network capacity improvements.

A Traffic Management Plan has also been provided with the Construction Environmental Management Plan which covers Traffic Management, Loading, unloading and storage of plant and materials

The Highways Authority has confirmed that they are satisfied with the proposal with appropriately worded conditions.

The proposed development in a highly accessible and sustainable location within walking distance to Holyhead town centre which provides all the necessary needs of future occupiers of the dwellings and close to key transport routes. It is considered that the proposal complies with policies PS4 and PS5 of the Joint Local Development Plan.

Drainage

In accordance with Policy PCYFF 6 (Water Conservation), as the proposal exceeds the threshold of 10 units, a Drainage Strategy has been submitted with the application. The document provides details of how the development will satisfactory address how suitable discharge of surface water and foul effluent generated by the proposed development will be dealt with.

There will be an easements towards the eastern part of the site for a surface water outfall to the sea, which constraints this part of the site. A SUDS attenuation feature is proposed close to the site's eastern boundary.

Private driveways and hard-standings will be finished with permeable paving with roof water from each property being transferred into a water butt and into a soakaway or tree pit and then into a demarcation manhole. The manholes will rain into a pipe system beneath the road. The pipes system will then discharge into the flood storage/wetland area which will provide additional attenuation prior to overflow (during extreme events) into the surface water outfall drain and to the sea.

As of January 7th 2019, all new developments of more than 1 property or where the construction area with drainage implications is 100m² or more, will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

These systems must be approved by Isle of Anglesey County Council acting in its role as a SuDS Approving Body (SAB), before construction work begins. The SAB will have a duty to adopt compliant systems which serve more than one property so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Welsh Water has confirmed that they have no objection.

Ecology and Biodiversity

In line with Strategic Policy PS19 and AMG5 of the Joint Local Development Plan and the requirements of the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity a Preliminary Ecological Appraisal was submitted with the planning application.

A Bat Roost Assessment has been submitted with the planning application and the results showed that existing trees across the site are scrub and as such have not attained sufficient size for the development of preliminary roost features in trees. As a result no preliminary roost features were observed in the trees that could give rise to roosting bats. As part of the ecological survey a basic standard badger survey was undertaken and there was no signs of badgers or hedgehogs on the site. A condition will be placed on the permission to ensure that the applicant complies with all recommendations of the report.

A 4m screen belt would be retained along the site's eastern and southern boundaries. A 2m hedgerow would be provided along the site's northern, western and southern boundaries with a post and wire fence to the front with all development located at least 3m away from the hedgerow planting. A Grass Meadow is proposed on the South East of the site.

In built Ibstock Bat Boxes will be installed to the gable end of plots 2,6,8,10,12 and 13. Hedgehog access gaps will be left in fencing at ground level and peripheral landscaping is also proposed.

Japanese Knotweed

The removal or treatment of Japanese Knotweed in itself does not require planning permission, the matter for consideration for the Local Planning Authority is the requirements of policy PCYFF 2, criteria 6 of the Joint Local Development Plan to ensure provision for the appropriate management and eradication of invasive species so that the site may be prepared for further development.

After a site visit it was confirmed that Japanese Knotweed is present on the site. The applicant has provided an Invasive Weed Management Plan which identifies the areas affected by the Japanese Knotweed together with method of treatment

Natural Resources Wales has confirmed that the Invasive Weed Management information addresses their previous concerns and no further surveys are required to be submitted.

A condition has been placed on the permission requesting that the applicant provides a certificate by an independent consultant to confirm that the knotweed treatment programme has been successful and that all of the invasive plant material has been removed and all treated areas shall be subject to aftercare and monitoring in accordance with the submitted scheme.

Landscape

The site lies within the development boundary with protected trees on the southern boundary and western boundary. It lies inland of the Wales Coat path to the west and is largely enclosed by the protected trees which define the site boundary.

An arboricultural report (Amenity Tree Care) and soft landscaping design (Stiwdio Owens) has been submitted.

The proposal involves soft landscaping, a woodland buffer, hedges, shrubs, grassland and a condition has been placed on the permission to ensure that a landscape management plan, noting maintenance schedules for landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site.

A green mesh fence is shown on the south and eastern boundaries and a condition has been placed on the permission to ensure that details of installation of the fence to ensure no harm to the protected trees. The proposed development complies with the requirements of PCYFF4 with appropriately worded conditions.

Relationship with Adjacent Properties

The council's SPG Design Guide provides guidance on the proximity of development to other properties and boundaries to prevent overlooking and other unacceptable impacts. The impact of the proposal, in particular upon the amenity of nearby land users has been considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupier of local residence or other land and property users.

Consideration has been given to the distance of the proposed new dwellings to existing residential properties and it can be confirmed that all properties apart from Plot 13 and Plot 16 comply with the distances set out in the SPG.

Plot 13 is located 9.9m from the boundary and Plot 16 is located 8.9m from the boundary, the SPG states that a distance of 10.5m should be achieved from a ground floor main window to the boundary. The SPG is only guidance and not policy, the existing property to the rear of Plot 13 and 16 is located approximately 12 metres from the boundary; therefore it is not considered that the small shortfall in distance would impact the amenity of 5 Lewascote.

To conclude, by virtue of the separation distanced between the dwellings, and existing boundary treatments, it is not considered that the proposed development will have a detrimental impact upon adjacent residential properties or future occupants of the proposed units.

It is considered that the proposal complies with the requirements of PCYFF2 of the JLDP.

Other Matters:

Policy ISA 5: of the JLDP requires that new housing proposals for 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed development, will be expected to provide suitable open space provision in accord with the policy. A financial contribution of £10,000 has previously

been paid to the Holyhead Town Council as part of the implemented consent. There is therefore no requirement for the applicant to provide a further contribution towards open space provision.

Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal. Specifically for this type of development consideration is given to the capacity within local schools to accommodate the anticipated number of children on the site. It is also important to consider the effect of the proposed development on the capacity of local schools. The cumulative impact of other developments in the schools' catchment areas is also taken into account when assessing whether an education contribution should be made. The Lifelong Learning Department of Anglesey Council have confirmed that a financial contribution of £110,313 is required towards facilities at Ysgol Llanfawr and this will be secured by a Section 106 agreement

Welsh Language and Culture: As the extant consent would have made it clear that the site as a windfall site was available for residential development during the preparation of the JLDP, the site cannot be considered as an 'unexpected windfall site'. As there is capacity within the settlement for the proposed number of units, the Local Planning Authority agreed during pre-application discussions, that a Welsh Language Statement would not be required. The Welsh Language Officer did not have any comments to make but made comment on the need to ensure that street names should be in Welsh.

Conclusion

In summary the proposal for 23 residential units on this site aligns with material policies and is acceptable having weighted the material considerations described in the report.

Recommendation

Permit subject to Section 106 for 1 affordable dwelling and £110,313 financial contribution towards Ysgol Llanfawr.

(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) No development shall take place, until the Tree Protection Screen shown in the Amenity Tree Care Plan TR-01 V3 is installed. The approved fencing shall be retained throughout the course of the development.

Reason: To avoid harm to protected trees off-site.

(03) No development shall take place, until there has been submitted to and approved in writing by the local planning authority details for the installation of green mesh boundary fencing.

Reason: To avoid harm to protected trees off-site.

(04) The site shall be landscaped strictly in accordance with Stiwdio Owens Soft Landscape Design 651-STO-00-00-DR-L-0001 Rev P03 in the first planting season after completion or first use of the development, whichever is the sooner. The landscaping scheme shall be retained for the lifetime of the development hereby approved. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the subsequent planting season by trees and shrubs of the same species and size as those originally required to be planted.

Reason: In accordance with JLDP Policy PCYFF 4.

(05) The landscape management plan, noting maintenance schedules for landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason: In accordance with PCYFF 4.

(06) A Meadow Grass Management Plan for ground preparation, sowing and maintenance for the first 5 years relating to the establishment of the meadow grass as shown on drawing number 651-STO-00-DR-L-001 Revision P03 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings on the site. The Meadow Management Plan shall be carried out as approved.

Reason: In the interest of ecology

(07) No development shall commence until a foul water 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 water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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.

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

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

(09) The Development shall be carried out in accordance with the Construction and Environmental Management Plan dated November 2021.

Reason: To safeguard the amenities of future occupants.

(10) The application site shall be developed strictly and entirely in accordance with the recommendations, mitigation, enhancement measures of the Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version Three dated 21.09.2022 and Bat Roost Assessment – Preliminary Tree Inspections – Version 1 dated 28.03.2022 – Amenity Tree Care.

Reason: In the interests of ecology.

(11) 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.

(12) The access shall be constructed with 40 metre by 40 metre splays on either side with the existing wall/fence/hedge

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.

(13) The estate road and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey'

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

(14) 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: 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.

(15) The estate road shall be completed to a base course finish with the surface water drainage system complete and fully operational before any work is commenced on the dwellings which it serves.

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

(16) 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.

(17) 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.

(18) 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.

(19) 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

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

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

(21) The details to be submitted for approval in writing by the Local Planning Authority shall include:

- the proposed road layout and typical construction details based on ground investigation information to verify its adequacy.**
- the location and the type of street lighting furniture.**

The development shall be constructed in accord with the details that have been approved in writing by the Local Planning Authority under the provisions of this planning condition.

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

(22) 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 “ Management and Maintenance Plan”. 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. The access and estate roads shall thereafter be maintained in accord with the Management and Maintenance Plan approved under the provisions of this condition for the lifetime of the development hereby approved.

Reason: To comply with the requirements of the Highway Authority

(23) Full details of a lighting scheme which shall include full specifications of all external lights, a plan showing any light spillage on the application site and surrounding land; specifications and heights of any columns, bollards or other such fixtures for the development must be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The development shall thereafter be carried out in accordance with the Lighting Scheme approved under the provisions of this condition and then operated and maintained in accordance with the approved scheme for the lifetime of the development.

Reason: To safeguard the amenities of occupants of the surrounding properties and in the interest of ecology

(24) Any construction works should be carried out between the following times – 0800 – 1800hrs – Monday to Friday; 0800 – 1300hrs on Saturday’s and no working on Sunday’s or Bank Holidays.

Reason: In the interest of residential amenity

(25) The provisions of Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any amendment or Order re-voking or re-enacting that Order) are hereby excluded on the affordable unit as shown on the Site Layout Plan - WJ/PH/SL/01 Rev P

Reason: To ensure the dwellings are retained as affordable dwellings

(26) The treatment of Japanese Knotweed shall be carried out in accordance with the Invasive Weed Management Plan by Knotweed Eradication ‘report number IWMP1869V4’ dated 26th September 2022 and in accordance with the following requirements;

- No development shall commence until, a validation report certified by an independent consultant shall be submitted to the Local Planning Authority for approval confirming that the knotweed treatment programme has been successful and that all of the invasive plant material**

has been removed and that all treated areas shall be subject to aftercare and monitoring in accordance with the submitted scheme.

- The use of tracked machinery on-site should be limited as much as possible until the Japanese knotweed-infested areas have been cleared or cordoned off. If tracked machinery must be used in infested zones, a geotextile overlain with hardcore must be used as a base for vehicles to travel on.

Reason - In the interests of environmental protection and to prevent the spread of Japanese Knotweed

(27) 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.

- Soft Landscape Details – 651-STO-00-00-DR-L-002 Revision P00
- Street Scenes – WJ/PH/SS/01 Rev A
- Arboricultural Impact Assessment (AIA) Version 4 – Amenity Tree Care
- Bat Roost Assessment – Preliminary Tree Inspections – Version 1 – Amenity Tree Care
- Location Plan – WJ/PH/LP/01 Rev B
- Adoptable Highways Plan – WJ/PH/AHP/01 Rev F
- Boundary Treatment Plan – WJ/PH/BTP/01 Rev G
- Colour Site Layout – WJ/PH/CSL/01 Rev F
- Hardstanding Plan – WJ/PH/HSP/01 Rev G
- Materials Plan – WJ/PH/MP/01 Rev G
- Storey Height Plan – WJ/PH/SHP/01 Rev F
- Soft Landscape Design – 651-SGO-00-00-DR-L-0001 Rev P03
- House Type Pack – 2B3P_801_DQR_01 Rev B
- House Type Pack – 3B5P_1009_DQR_01 Rev A
- Site Layout Plan – WJ/PH/SL/01 Rev P
- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version Three dated 21.09.2022
- House Type Pack – 2B4P_901_DQR_01 Rev B
- Design and Access Statement – Revision C – November 2021
- Tree Survey and Constraints Report – Amenity Tree Care
- Water Conservation Statement Revision 1a – November 2021
- Waste Management Plan – WJ/PH/WMP/01 Rev F
- Construction and Environmental Management Plan – November 2021
- CEMP + Traffic Management Plan – November 2021
- Proposed Drainage Strategy Statement Revision 1 – November 2021
- Transport Statement – Focus Transport Planning – J000322 – TS01b – February 2022
- Planning Statement – 2021.100_02 V2.0 – February 2022
- Invasive Weed Management Plan by Knotweed Eradication ‘report number IWMP1869V4’ dated 26th September 2022

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PS1, ISA1, ISA4, ISA5, PS4, TRA2, TRA4, PS5, PS6, PCYFF1, PCYFF2, PCYFF3, PCYFF4, PCYFF5, PCYFF6, PS16, PS17, TAI1, TAI8, PS18, TAI15, AMG3, AMG5, PS19

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

Application Reference: HHP/2022/230

Applicant: Mike Halliwell

Description: Full application for alterations and extensions at

Site Address: Dinas Bach, 5 Ystad y Fron, Aberffraw



Report of Head of Regulation and Economic Development Service (Owain Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

The planning application has been called into the Planning and Orders Committee at the request of Councillor Arfon Wyn due to local concern surrounding the application.

Proposal and Site

The application presented is for alterations and extensions to the dwelling including the demolition of the existing garage and the erection of two single storey extensions.

The application site is a single storey detached property, located in Y Fron estate within the development boundary of Aberffraw, as defined by the Joint Local Development Plan.

Key Issues

The key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would impact any neighbouring properties.

Policies

Joint Local Development Plan

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Policy AMG 5: Local Biodiversity Conservation

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy TRA 2: Parking Standards

Technical Advice Note 12: Design (2016)

Planning Policy Wales (Edition 11, February 2021)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objections to the proposed development. The site is in the AONB, and is unlikely to affect the AONB due to the scale and location of the proposal. The site is in close proximity to a SAC, a SPA and a SSSI, so the developer should adhere to pollution prevention guidelines.
Ymgynghorydd Tirwedd / Landscape Advisor	The site is within the AONB and is visible from both sides of the estuary in Aberffraw. There is no distinct character or quality to the estate that should be conserved or enhanced, with a mix of single and two storey houses. The glazing proposed on the ground floor is not excessive, and the design of the dwelling will not affect its overall visual impact. The development will not affect natural beauty or any AONB features and qualities related to landscape as considered by policy AMG 1.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objections to the development and requested a CTMP to ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety. No objections to the CTMP provided.
Draenio Gwynedd / Gwynedd Drainage	No observations in terms of land drainage or local flood risk.

Dwr Cymru Welsh Water	The proposed development is outside the protection zone of the public rising main crossing the site. Suggested a condition regarding surface water and informatives for the applicant.
Cyngor Cymuned Aberffraw Community Council	No response at the time of writing the report.
Cynghorydd Arfon Wyn	Called the application into the planning committee due to local concern.
Cynghorydd John Ifan Jones	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Acknowledges the objectors' concerns about the extensions impacting the sand dunes and sand lizards. The building work appears to be carried out on existing developed land. Outdoor lighting should be downward facing and on a timer to prevent light pollution. Pollution prevention and mitigation strategies should be conditioned to prevent any waste/run-off/sediment from filtering to the sand dunes and water below the property.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. During the initial consultation period, which came to an end on the 01/09/22, 19 letters of objection were received. After receiving amended plans to include a privacy fence on the boundary a second letter was sent to neighbouring properties. The second consultation period came to an end on the 07/10/22, with 14 letters of objection being received at the department.

Objections were raised that the application had received inadequate publicity. According to Part 8 of Development Management manual, this application does not fall into the criteria for a site notice or press advert, therefore there is no statutory requirement to do so. Nine neighbouring properties were notified of the application twice, with 19 and 14 letters of representation received, highlighting that the application has been well publicised in the area.

The main comments raised during the consultation period were:

Parking/Traffic/Highways:

- inadequate parking on the site
- increased traffic as a result of the development creating health & safety concerns
- parking issues on the estate with people parking to visit the beach

Design/Setting:

- side elevation does not comply with SPG distances
- overlooking neighbouring property
- the extensions are dominant, inappropriate in scale and not subservient to the main dwelling
- height of the extensions higher than the existing roof line
- extension projects forward beyond the principal elevation
- out of character in the area and finishing materials not in keeping with the adjacent buildings
- proposed single panel fence is unnecessary as a privacy measure

AONB/Ecology:

- detrimental impact on the AONB
- no protected species survey presented with the application
- building work could have adverse impact on sand lizards
- increased light pollution from sensory lights
- increased noise pollution from holiday let

Construction:

- working hours of 7:30am – 6pm are unrealistic in residential setting
- diesel could create contamination issues during construction
- estate is built on radon rock which would be released during construction

General:

- property will be converted into a holiday let and should be assessed under policy TWR 2
- street utilities will not support the increase in bathrooms
- concern of future application to further extend the property
- increase in bedrooms not necessary
- more akin to a replacement dwelling
- no dimensions included on the proposed plans

In response to the reasons for objection:

Parking/Traffic/Highways:

- the site meets parking standards required by Highways Authority and policy TRA 2
- highways department have no objections to the development or the CTMP
- parking issues on the estate not relevant to this application and is being dealt with separately

Design/Setting:

- existing garage does not comply with SPG distances and is only becoming 0.8m wider
- one window will be obscured and a fence will prevent overlooking from the other
- both extensions are lower than the main pitched roof
- various designs and appearances apparent in the locality
- fence is permitted development and will prevent overlooking

AONB/Ecology:

- landscape advisor of the opinion the development will not affect AONB
- ecological survey not requested by ecologist, and not always required for small scale development
- ecologist has requested further information regarding pollution prevention
- sensory lights are on a timer and downward facing, as requested by ecologist

Construction:

- site working hours amended from 7:30am – 6pm to 8am - 6pm to protect neighbouring amenities
- pollution prevention strategy will cover contamination issues
- most construction issues will be covered by building regulations

General:

- will still be classed as a C3 dwellinghouse therefore use as a holiday let can't be enforced
- 1 additional bathroom considered acceptable, no objection from Welsh Water or YGC
- any new application will be dealt with on its own merits
- 1 additional bedroom not considered unacceptable
- majority of the existing dwelling is to remain as part of development
- planning department have a software to measure dimensions on all plans

Relevant Planning History

HHP/2022/92 - Full application for alterations and extensions at Dinas Bach, 5 Ystad y Fron, Aberffraw. Withdrawn.

HHP/2022/174 - Full application for alterations and extensions at Dinas Bach, 5 Ystad y Fron, Aberffraw. Withdrawn.

Main Planning Considerations

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

Proposal and Site

The site is a single storey detached property, located in Y Fron estate within the development boundary of Aberffraw as defined by the Joint Local Development Plan. The site also lies within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB).

The proposed scheme is for alterations and extensions, including the demolition of the existing garage and the erection of two single storey extensions.

The site has been subject to two previous applications in the last 12 months. Planning applications reference HHP/2022/92 and HHP/2022/174 have both been withdrawn as the Local Planning Authority would not support the two storey extension previously proposed.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties
- iii. Highways and Parking
- iv. AONB and Ecology

i. Siting and Design

The proposal involves the demolition of the existing flat roof garage that is attached to the main dwelling. It currently extends approximately 5.4m beyond the north east side elevation, is 5.4m in length, and has a flat roof at 2.7m in height.

The garage will be replaced by a single storey side extension on the same side, which will accommodate a living room, utility, storage as well as an additional bedroom and bathroom. This extension will extend approximately 6.2m beyond the side elevation of the main dwelling and will be 14.4m in length, level with the rear elevation of the property, and extending 3.8m beyond the front elevation onto the existing tarmacked driveway. It will have a flat roof at 3.2m in height, which is higher than the eaves of the main dwelling but is 0.8m lower than the main pitched roof, highlighting its subservience.

This extension will be approximately 0.8m wider than the existing garage, and will therefore become 0.8m closer to the boundary with neighbouring property 4 Y Fron. It will be located approximately 5.7m away from their side elevation at its closest. Whilst this does not comply with the indicative minimum distances noted in the SPG, the existing garage structure does not comply either, and the 0.8m increase is not considered excessive. Within a built-up area there will inevitably always be a degree of built development being in close proximity, however in this instance any effects are not considered to be significant. The extension will have a garage door and a pedestrian door on the front elevation facing the estate, and a set of double doors on the rear facing the estuary. The side elevation facing 4 Y Fron will include a bedroom window, a bathroom window and a door opening into the utility.

The second extension proposed is on the other side of the property, to be built on part of the existing external courtyard. It will accommodate an open plan kitchen/dining area and a sunroom, measuring approximately 6.8m wide and 6.35m in length, integrating with the L-shape of the existing dwelling. The extension will be level with the rear elevation and set off the south west side elevation by 4.6m, with a section of the existing external courtyard to remain. It will have a flat roof at 2.9m in height with a roof light above. Whilst this is slightly higher than the existing eaves, it will remain 1m lower than the main pitched roof, will integrate into the site and will be hidden from neighbouring properties. The extension will include full length glazing and double doors, looking towards the estuary and into agricultural land.

Many properties on the estate have a higher ridge height than the application site, and also have living space at first floor level. The proposed development will remain single storey and lower than the existing dwelling, highlighting its subservient and non-dominant form, and respecting the context of its place within the local landscape in compliance with policy PCYFF 3. Both of these extensions are set lower than the ridge height of the main roof, which assists in making them more subservient to the overall design thereby reducing their overall visual impact and resulting in unobtrusive structures that would not appear out of place in the locality.

This proposed development will use Cedral timber cladding in grey, as suggested by the landscape advisor, together with coloured render and UPVC windows and doors. This is considered a high quality design that will comply with policy PCYFF 3. There are a mix of property types in the locality that vary in design and appearance, from older traditionally design properties to more modern designs. Given this, it is not considered that the proposed scheme would be out of character in its surrounding built environment.

Concerns have been raised during the consultation period regarding the future use of this property as a holiday let. The property is currently classified as a C3 dwellinghouse, and following completion of development the property will remain classified by the C3 dwellinghouse use class. Pending any specific legislative changes in Wales, planning permission is not required for the use of a C3 dwellinghouse as a holiday let, which is evident with numerous properties on Anglesey being used in the same manner.

ii. Adjacent Residential Properties

Given the siting of the proposed extensions, they are considered an ample distance away from the majority of the properties on the estate so as to have no negative impacts upon their privacy and amenities.

However, the proposed side extension is within approximately 2.1m of the boundary with 4 Y Fron, and is 5.7m away from the closest point on their side elevation. This is lower than the indicative minimum distances noted in the SPG, however it must be taken into consideration that the existing garage is also lower than those distances. It is not considered that becoming 0.8m closer will have a detrimental impact in terms of scale and massing, especially as the flat roof of the extension will be lower than the main pitch of the dwelling.

Whilst a degree of overlooking between neighbouring properties exists at present, and is a natural feature of living in a built up area such as this part of Aberffraw, adequate measures have been taken to protect the privacy and amenities of the neighbours at 4 Y Fron. The utility is an uninhabitable space which raises no concern regarding the door, and the bathroom window will be fitted with obscured glazing which is to be conditioned. To prevent overlooking from the bedroom window, a 1.95m high timber fence will be erected on part of the boundary. This fence is considered permitted development under Part 2 Class A of the General Permitted Development Order, and does not require planning permission. It is considered that these measures will prevent overlooking between both properties, protecting the privacy and amenities of the neighbours in line with policy PCYFF 2.

All other windows and doors on the proposed extensions will be have a similar outlook to existing windows, towards the estuary or the estate itself. None of these will be looking towards any neighbouring properties and as such it is not considered that their privacy and amenities will be affected.

iii. Highways and Parking

As this is a four bedroom property, three parking spaces must be provided to comply with requirements of the Highways Authority. The proposed site plan shows three parking spaces as required, along with additional space for more vehicles if needed. This complies with the Highway Authority parking standards and policy TRA 2.

Concerns were raised during the consultation period regarding parking issues on Y Fron estate, with people parking on the estate road whilst visiting the beach. This is a separate matter which the Highways Authority are aware of, and will be dealt with separately to this application. This application is for alterations and extensions to 5 Y Fron, to which the Highways Department have no objections.

A Construction Traffic Management Plan (CTMP) has been provided to support the application as requested by the Highways Department and due to concerns of increased traffic during construction. This document has been approved, and will be included in the list of approved plans to be adhered to during the construction period.

iv. AONB and Ecology

The development site is located within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB). The proposal involves larger glazing than the existing, however this is not an uncommon feature in coastal locations within the AONB, and as such will integrate into its setting. Both specialist consultees, our Landscape Advisor and NRW, are of the opinion that the development will have negligible impacts on AONB special qualities and features due to its small scale nature and appropriate design materials.

Due to its AONB and coastal setting the Ecological Advisor requested further information regarding outdoor lighting. All proposed lights are now noted on the plans, and will be downward facing, of low illumination and on a timer to reduce the amount of light pollution and disturbance. In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, a bat box has been added to the side elevation. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act and policy PCYFF 4.

The development site is located in close proximity to a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI), which are all located at the bottom of the site on the estuary. The Ecological Advisor noted that pollution prevention and mitigation strategies will be required to prevent any waste/run-off/sediment from filtering to the sand dunes and water below the property, and a condition will be placed requiring the submission of a Construction Pollution Avoidance Plan to protect the surroundings sensitive areas from contamination during construction.

Conclusion

The proposal is considered a small-scale development that will provide additional living space within the property. It is considered a subservient extension that will integrate into the site and its surrounding built environment. Giving its siting in relation to neighbouring properties, and the measures taken to prevent overlooking, it is considered to give rise to little or no greater harm upon the privacy and amenities of any neighbouring properties.

Recommendation

That the application is permitted subject to the following conditions:

(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:

- **2957:21:1A - Location plan**
- **2957:21:3c - Proposed site plan**

- 2957:21:6c - Proposed floor plan
- 2957:21:7d - Proposed elevations
- Construction Traffic Management Plan - Rev A - 15/09/22

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

(03) No development shall commence until a Construction Pollution Avoidance Plan has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details.

Reason: To safeguard the designated Site of Special Scientific Interest, the Morwenoliaid Ynys Môn Special Protection Area and the Anglesey Coast: Saltmarsh Special Area of Conservation.

(04) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

(05) Prior to the occupation of the extensions hereby approved the 1.95m high timber fence on the boundary, as labelled on drawing 2957:21:6c, shall be installed and thereafter shall be retained as such for the lifetime of the development hereby approved.

Reason To safeguard the residential amenities of occupants of the adjacent residential property

(06) Prior to the occupation of the extensions hereby approved the bathroom window on the side elevation, as labelled on drawing 2957:21:6c, shall be fitted with obscure glazing (level 5 obscurity level) and thereafter shall be retained as such for the lifetime of the development hereby approved.

Reason: To safeguard the residential amenities of occupants of the adjacent residential property.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: AMG 1, AMG 5, PCYFF 2, PCYFF 3, PCYFF 4, TRA 2

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/2022/41

Applicant: Mr David Cramant

Description: Application under Section 73 for the variation of conditions (09) (surface water drainage), (13) (approval of vehicle and car parking accommodation), and (14) (in accordance with plans to be approved) of planning permission reference 46C188G (the redevelopment of the site for up to 6 residential units) so as to allow the submission of the surface water drainage scheme, vehicle turning and car parking area together with the re-siting and amended design of the proposed dwellings at

Site Address: 1 Blue Water Close, Trearddur Bay.



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Permit

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site

The site lies within the development boundary of Trearddur Bay at the end of a residential estate and on the edge of the designated Area of Outstanding Natural Beauty. With some individual exceptions, the

area is characterised by small bungalows as part of an estate type development of private residential properties.

The current proposal is to vary condition (09) (surface water), (13) (approval of vehicle and car parking accommodation) and (14) (the development will be carried out in accordance with the approved plans) in order that the surface water drainage and vehicle car parking accommodation) are considered as part of the current application and to allow a change to the design of the proposed dwellings and the re-siting of two of the properties.

Key Issues

The applications main issues are:

- i. Impact on amenities of neighbouring properties
- ii. Highway Safety
- iii. Can the site be adequately drained

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping
Policy TAI 5: Local Market Housing
Policy TAI 13: Replacement Dwellings
Policy TAI 15: Affordable Housing Threshold & Distribution
Policy TRA 2: Parking Standards

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	Observations
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response to date
Iechyd yr Amgylchedd / Environmental Health	No observations
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Support the inclusion of bird and bat boxes
Cynghorydd Dafydd Rhys Thomas	Call-in due to traffic, parking and flooding issues in area
Cynghorydd Keith Robert Roberts	No response to date
Cynghorydd Trefor Lloyd Hughes	No response to date
Cyngor Cymuned Trearddur Community Council	Concerns due to overdevelopment of site, flooding concern, insufficient parking

Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Following receipt of additional information confirmed that the drainage scheme was acceptable
Dwr Cymru Welsh Water	No objection

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 12/07/2022. At the time of writing this report a number of representation had been received at the department. The main issues raised can be summarised as follows;

- i. Loss of privacy
- ii. Increase in traffic
- iii. Surface water / drainage
- iv. No affordable housing
- v. The properties should be given a bi-lingual name
- vi. A communal refuse area will result in rodents
- vii. Works commenced prior to the scheme being approved
- viii. Overdevelopment of the site

In response to these issues I would state;

- i. This matter is addressed in the impact on amenities and locality section below
- ii. The site has an extant permission for the re-development of the site for the erection of 6 dwellings. The current scheme is to vary the extant permission and will not increase in a greater increase in traffic movements than the previously approved scheme.
- iii. This matter is addressed in the main body of the report
- iv. This matter is addressed in the 'Policy Context' section below
- v. A condition will be imposed on the permission requesting that a bilingual name is given to the properties
- vi. The refuse area is a communal area whilst waiting for the refuse to be collected however all bins will be stored within each property boundary
- vii. The site benefits from an extant permission.
- viii. The scale of the properties currently under consideration respects the scale of the previously approved scheme

One letter was also submitted in support of the application stating that the scheme was well designed and unobtrusive

Relevant Planning History

46C188E – Outline application for the redevelopment of the site for up to 6 residential units at 68 and 68a Trearddur Road, Trearddur Bay – Approved 31/01/05

46C188G – Application for the renewal of the outline permission under reference 46C188E for the redevelopment of the site for up to 6 residential units at 68 and 68a Trearddur Road, Trearddur Bay – Approved 28/01/08

46C188J/DA – Reserved matters application for the erection of 6 dwellings on land at 68 Trearddur Road, Trearddur Bay – Approved 17/03/11

LUP/2021/2 - Application for a certificate of proposed use or development in relation to a material start having been made on outline planning permission under reference 46C188G and the reserved matters

approval under reference 46C188J/DA thus safeguarding the consent at - 68A Trearddur Road, Trearddur Bay – Lawful 02/09/21

Main Planning Considerations

The principle of the residential development of the site has been established under planning application reference 46C188G and 46C188J/da. An application for a lawful use certificate to prove that works had commenced on the site was considered lawful under planning application reference LUP/2021/2.

Policy Context

Since the adoption of the Anglesey and Gwynedd Joint Local Development Plan, Trearddur Bay is identified as a Coastal and Rural Village under the provision of Policy TAI 5. The policy does not support the provision of open market housing. Policy TAI 15 states that proposal for 2 or more dwellings in Coastal and Rural Villages should include 30% Affordable Housing. As the site has an extant planning permission the following must be considered:-

- ☐ Is there a likelihood that the existing permission can be implemented.
- ☐ Are the details submitted with this application acceptable

A lawful use Certificate has been granted confirming that the permission has been safeguarded and that the scheme approved under planning application reference 46C188J/DA is extant and therefore the existing permission could be implemented.

Whilst the application does not comply with the requirements of Policy TAI 5 and TAI 15 however there is a fallback position as the application site has an extant planning permission for open market housing.

The current application is to vary condition(s) (09) (surface water drainage and (13) (vehicle turning and parking facilities) in order that the details can be submitted as part of the current application as the details were not submitted prior to the commencement of the works on the site.

Condition (14) is also to be amended as part of the current application so as to allow the change in the design of the proposed dwellings and the re-siting of plots 2 and 3.

i Drainage of the site – Condition (09) of planning permission 46C188G stated that no development should take place until a scheme of surface water drainage had been submitted to and approved in writing by the local planning authority. Whilst it is acknowledged that works has previously been commenced on the site without complying with this condition it was determined at the time of determining planning application reference LUP/2021/2 that the condition was not condition precedent and a Lawful Use Certificate was issued and that the variation of the condition so as to allow the submission of drainage details as part of the current application is acceptable.

The Local Member and Community Council have raised concerns regarding flooding/surface water drainage.

Both Welsh Water and the Drainage Section have confirmed that the drainage details submitted as part of the application are acceptable.

ii. Highway Safety – Condition (13) of planning permission 46C188G state that before any development commenced details of the vehicle turning area and extent and position of parking facilities has been submitted to and approved in writing by the local planning authority. As stated above the condition was not a condition precedent and a Lawful Use Certificate was issued under planning application reference LUP/2021/2 and that the approval of the details following the commencement of works on the site is acceptable.

Both the Local Member and Community Council have raised concerns regarding traffic/parking provision within the site. The application has been forwarded to the Highway Authority for consideration and they have confirmed that they have no objection to the scheme,

iii. Impact on amenities of neighbouring properties and locality - The amendments proposed as part of the current scheme include;

- i. Re-siting of properties on plots 2-6. The orientation of plot 2 and 3 have been amended with the front of the properties looking onto the rear of plots 1 and 4.
- ii. Use of stone cladding on some sections of the properties
- iii. Amendments to the openings
- iv. Removal of balconies and introduction of Juliette balconies

The amended design and materials to be used in the construction of the dwellings are considered acceptable in this location. Plot 2 will be located closer to the boundary of the adjoining property known as Bryn Celyn by 2m however due to the amendment in the orientation of plot 2 it is not considered that the development will have a greater impact on the amenities currently enjoyed by the occupants of the dwelling than the previously approved scheme. Plot 5 is to be located 700mm closer to the site boundary with the adjoining road. It is not considered that the re-location of the dwellings within the site will have a greater impact on the amenities currently enjoyed by the occupants of the neighbouring dwellings over and above that which has been previously been approved as part of the extant permission.

The Community council have raised concerns that the proposal results in over-development. However, as stated above the scale of the proposal reflects that which was approved under planning application reference 46C188J/DA.

Conclusion

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for open market housing. In effect the developer has a lawful right in expectation to continue with that which has previously been approved and established as safeguarded by the local planning authority.

The details submitted as part of the site are considered acceptable and illustrate that the site can be adequately drained and will not have a detrimental impact on highway safety or upon the amenities currently enjoyed by the occupants of the neighbouring properties or on the locality.

Recommendation

That the application is permitted subject to the following conditions:

(01) 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.

Map 1 - Location plan

22-DES-021-PL03D - Proposed site and drainage plan

22-DES-021-PL01 - Rev A - Proposed elevations and floor plans - Plot 1 - 5

22-DES-021-PL02 - Rev A - Proposed elevations and floor plans - Plot 6

22-DES-021-PL04 - Proposed Landscaping Scheme

Drainage details - GeoEnviro Solutions - 29/9/22

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

(02) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

(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) 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, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

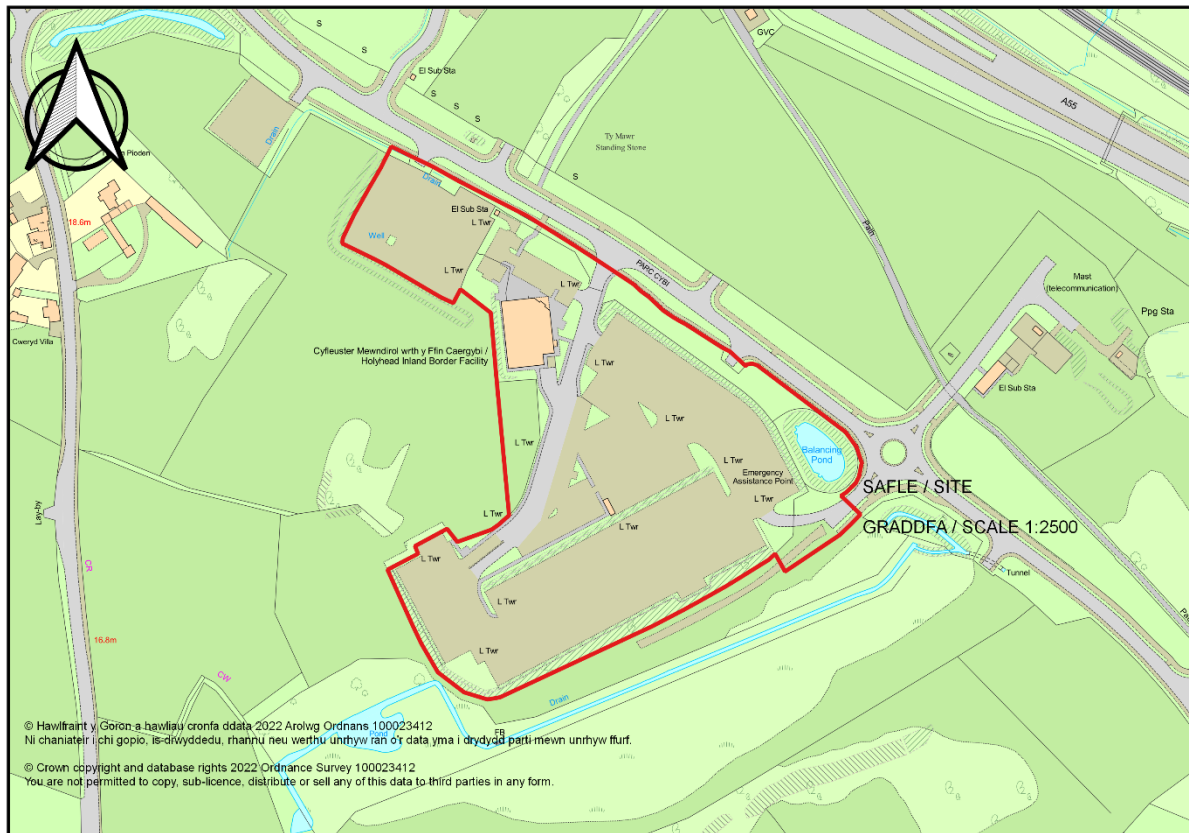
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: DIS/2022/63

Applicant: HMRC

Description: Application to discharge condition (05) (landscaping) (08) (signage) (16)(mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at

Site Address: Former Roadking Truckstop, Parc Cybi, Holyhead,



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Condition Discharged

Reason for Reporting to Committee

The application is to discharge condition(s) imposed by the Planning and Orders Committee in determining planning application reference FPL/2021/337 "Full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, Parc Cybi, Holyhead" at its meeting that was held on the 02/03/2022.

Proposal and Site

This is an application to discharge condition (05) (landscape) condition (08) (signage) and condition (16) (mitigation risk assessment) of planning permission FPL/2021/337 (full application for the construction of an Inland Border Facility (IBF) at the former Roadking Truckstop, parc Cybi, Holyhead).

Key Issues

The key issue is whether the statutory consultees are satisfied that the information submitted is sufficient to discharge the conditions.

Policies

Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

Strategic Policy PS 1: Welsh Language and Culture

Policy TRA 4: Managing Transport Impacts

Response to Consultation and Publicity

Consultee	Response
Cadw Consultations	No objection
Llywodraeth Cymru (Priffyrdd/Highways)	Support
Ymgynghorydd Tirwedd / Landscape Advisor	Landscaping details acceptable
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response to date

There was no requirement to carry out publicity as part of this planning application.

Relevant Planning History

SCR/2021/79 - Barn sgrinio ar gyfer cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) ar dir yn / Screening opinion for full planning application for the construction of an Inland Border Facility (IBF) on land at - Parc Cybi, Caergybi / Holyhead - Dim Angen AEA / EIA Not Required 03/12/2021

FPL/2021/337 - Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Full application for the construction of an Inland Border Facility (IBF) at - Hen Safle Roadking, Stop Tryciau, Parc Cybi, Caergybi / Former Roadking Truckstop, Parc Cybi, Holyhead, - [object Object] - Caniatáu / Permit

DIS/2022/36 - Cais i ryddhau amod (02) (Cynllun Rheoli Traffig Adeiladu), (03)(Cynllun Rheoli Amgylcheddol Adeiladu), (07)(Manylion/Samplau o defnyddiau), (09)(Cynllun Cyflogaeth Lleol), (10) o ganiatâd cynllunio FPL/2021/337: Cais llawn ar gyfer adeiladu Cyfleuster Ffiniau Mewndirol (IBF) yn / Application to discharge conditions (02) (Construction Traffic Management Plan), (03)(Construction Environmental Management Plan), (07)(Details/Samples of Materials), (09)(Local Employment Scheme), (10)(Local Supply Chain Scheme) of planning permission FPL/2021/337: Full application for the construction of an Inland Border Facility (IBF) at Former Roadking Truckstop, Parc Cybi, Holyhead - Not yet determined

Main Planning Considerations

Planning permission was granted under planning application FPL/2021/337 for the construction of an Inland Border Facility at the former Roadking Trucstop site on Parc Cybi, Holyhead.

Condition (05) of planning application FPL/2021/337 requested the applicant provide a landscaping scheme.

A landscaping recommendation drawing has been submitted from the applicant and the scheme has been forwarded to the Senior Landscape and Tree Officer who confirmed that the landscaping scheme was acceptable.

Condition (08) of planning application reference requested that the applicant submit a signage scheme which would include all external and internal signage be submitted for approval. This was to ensure that the signs will be bilingual.

The information provided in drawing reference 8652-AFF-ST-XX-DR-A-1111 (Rev B) confirm that all signs will be bilingual and that the Welsh text will appear first.

Condition (16) of planning application reference FPL/2021/337 requested that the applicant submit a risk assessment which included mitigation measures should the site be unable to undertake the required checks or operate the site due to any unexpected site closure.

A risk assessment scheme has been submitted and both the Highway Authority and Welsh Government Transport Division have confirmed that the details are acceptable.

Conclusion

Sufficient information has been received to discharge conditions (02) (landscape), (08) (signage scheme) and condition (16) (risk assessment/mitigation measures).

Recommendation

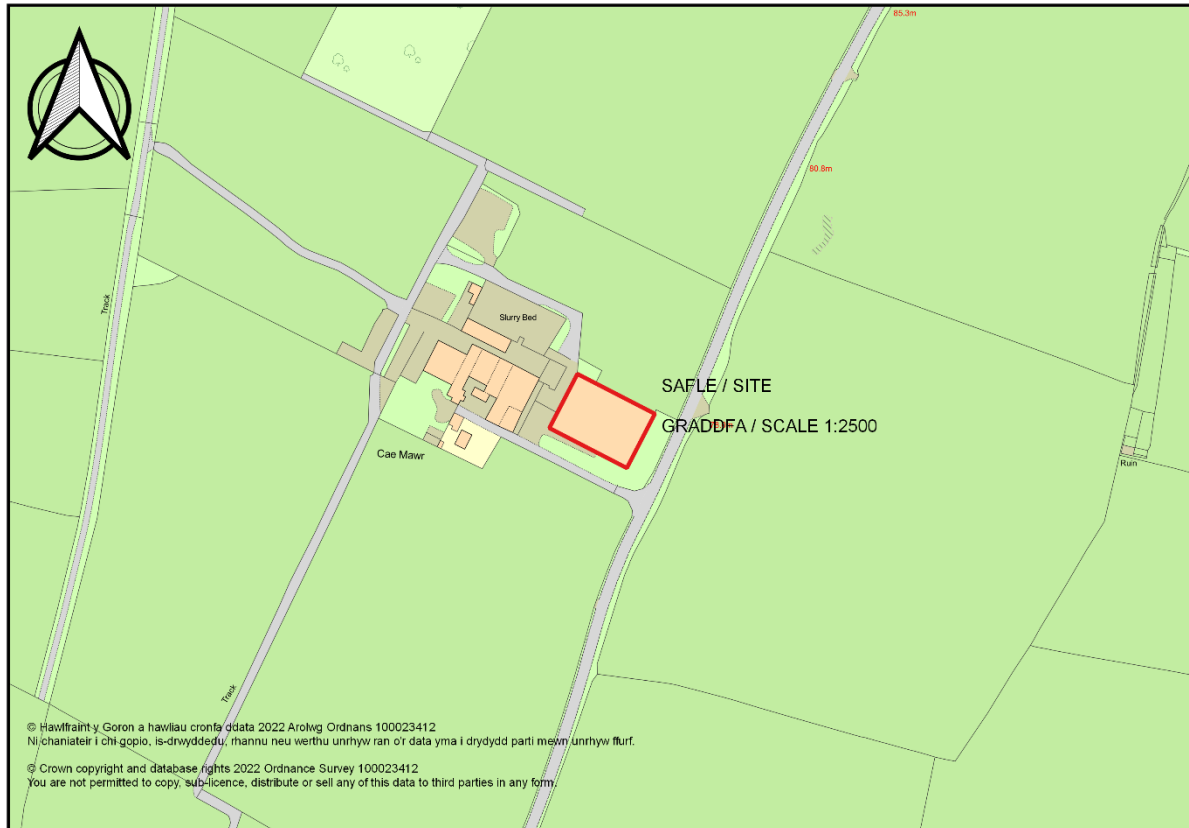
That the condition is discharged

Application Reference: FPL/2022/225

Applicant: Mr Rolant Jones

Description: Full application for an extension to the existing welfare agricultural building at

Site Address: Cae Mawr, Trefor, Holyhead



Report of Head of Regulation and Economic Development Service (Owain Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

The application is presented to the Committee as the application is made on land which is owned by the County Council.

Proposal and Site

The application is made for a small lean-to extension to an existing agricultural building on this working farm.

The application site is an agricultural unit located in an open countryside location in Trefor, approximately 500m to the north of the village cluster along the B5112.

Key Issues

They key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would impact any neighbouring properties.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Planning Policy Wales (11th edition)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Llio Angharad Owen	No response at the time of writing the report.
Cynghorydd Llinos Medi Huws	No response at the time of writing the report.
Cynghorydd Jackie Lewis	No response at the time of writing the report.
Iechyd yr Amgylchedd / Environmental Health	Informatives for the applicant.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Due to the siting of the existing shed, bat presence is unlikely and no surveys will be required. The development should show overall biodiversity enhancement, with the ecologist recommending one bat box, one bird box and two nest boxes. Outdoor lighting should be downward facing and on a timer to restrict light pollution.
Dwr Cymru Welsh Water	No comments and informatives for the applicant.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Further information requested regarding the current and planned use of the shed, as it is difficult to assess if the proposal would lead to an increase in stock numbers or would have any slurry or drainage issues. No objections if no increase in stock numbers were proposed, which has since been confirmed by the agent.
Draenio Gwynedd / Gwynedd Drainage	Informatives for the applicant.
Cyngor Cymuned Tref Alaw Community Council	No response at the time of writing the report.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of any representation was the 23/09/2022. At the time of writing this report, no letters of representations had been received at the department.

Relevant Planning History

47C132 – Full application for the erection of a high welfare building for dairy cows on land at Cae Mawr Farm, Trefor. Approved 12/06/2012.

DAG/2021/24 – Application to determine whether prior approval is required for the erection of an agricultural shed on land at Cae Mawr, Trefor. Permitted Development, 23/12/2021.

Main Planning Considerations

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

Proposal and Site

Cae Mawr is a working cattle farm, located along the B5112, in an open countryside location approximately 500m north of Trefor. The proposed scheme is for a small lean-to extension to an existing agricultural building on the farm.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties

i. Siting and Design

The existing agricultural shed is located on the eastern side of the farm, within 15m of the boundary with the B5112. The proposed lean-to extension will extend 2.44m beyond the side of the existing shed, into the existing field to the north. It will measure approximately 52m in length, which is the same as the existing building. The roof of this extension will continue a downward slope from the existing roof at 4.4m in height, to a final height of 3.9m.

The reasoning behind the proposed extension is to increase the dairy cow housing capacity within the shed, as the applicant restructures the business in a move away from retaining beef cattle. This will mean an overall reduction in stock number, and therefore will have no implications in terms of slurry store capacity.

This is a very small scale extension to the existing shed, which is subservient and will be seen in the context of the existing building. Material choices of concrete walls, timber cladding and concrete roof panels will match the existing shed, ensuring a high quality of design to comply with policy PCYFF 3, and allowing integration into the site and its surroundings.

In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, a bird box, a bat box and two nest boxes will be added onto the shed. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act and policy PCYFF 4.

ii. Adjacent Residential Properties

It is considered that the site is located far enough away from neighbouring properties so as to give rise to no greater impacts upon their privacy and amenities. The nearest residential properties are Tyn Coed and Bodsuran to the north west, and Fron to the north east. All of these properties are over 400m away from the position of the proposed extension. Given the vast distance between the shed and its neighbouring properties, and the integration into the agricultural context, it is not considered that the proposed development will have any negative impact upon nearby residential properties. It is therefore considered that the proposal is compliant with policy PCYFF 2 of the JLDP.

Conclusion

This proposal is considered a small scale development to extend the existing shed in order to increase the dairy cow housing capacity. The principle of development for agricultural purposes is accepted within local and national planning policies, and there are also benefits from the development with investment in the local economy and the opportunity for the farming business.

The extension is considered to integrate into its surrounding natural environment, with an appropriate material scheme ensuring that it will be seen in the context of the existing shed and the surrounding agricultural buildings. Given the vast distance between the site and surrounding neighbouring properties, and the intervening topography, it is not considered that the proposed development would have any negative impacts upon those properties.

Recommendation

That the application is permitted subject to the following conditions:

(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:

- Drg 1 - Location plan
- Drg 3 - Proposed site plan
- Drg 5A - Proposed floor plan & elevations

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

(03) The building hereby approved shall be used solely for the purposes of Agriculture, as defined by Section 336(1) of the Town and Country Planning Act 1990 (as amended) and for no other commercial or business use whatsoever.

Reason: To ensure that the development will always be in the best interest of the agricultural industry.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 2, PCYFF 3, PCYFF 4

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

Application Reference: FPL/2022/172

Applicant: Messrs HL, BL and HM Williams

Description: Full application for conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with the installation of a sewage treatment plant at

Site Address: Eirianallt Goch Farm, Carmel, Llanerchymedd



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 Llinos Medi.

Proposal and Site

The application is made for the conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with the installation of a sewage treatment plant at Eirianallt Goch, Carmel.

The application site is located in the open countryside, off the B5112 between Llanerchymedd and Trefor on the outskirts of the Cluster of Carmel. The site comprises a stone agricultural outbuilding located within the farm yard complex adjacent to other agricultural buildings.

Key Issues

The key issues are whether the proposal is justified and complies with relevant local and national planning policies.

Policies

Joint Local Development Plan

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Strategic Policy PS 17: Settlement Strategy

Strategic Policy PS 5: Sustainable Development

Policy TRA 2: Parking Standards

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

Policy AMG 5: Local Biodiversity Conservation

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Supplementary Planning Guidance - Replacement Dwellings and Conversions in the Countryside (September 2019)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Jackie Lewis	No response at the time of writing the report.
Cynghorydd Llio Angharad Owen	No response at the time of writing the report.
Cynghorydd Llinos Medi Huws	Request that the application be referred to the Planning and Orders Committee for determination.
Cyngor Cymuned Tref Alaw Community Council	Comments/concerns in relation to means of access, drainage and the structural integrity of the building.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments/advice.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments/advice in relation to the relevant policy framework.
Swyddog Llwybrau Troed / Footpaths Officer	No response at the time of writing the report.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection

Ymgynghoriadau Cynllunio YGC	No response at the time of writing the report.
Reading Agricultural Consultants	Assessment of the application in relation to TAN 6 requirements.
Iechyd yr Amgylchedd / Environmental Health	Comments in relation to relevant environmental considerations.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection subject to conditions

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 03/08/2022.

At the time of writing the report, no representations had been received by the Department.

Relevant Planning History

T/2272 – Codi annedd amaethyddol ar ran o O.S 8589 yn / Erection of an agricultural dwelling house on part of O.S 8589 at Eirianallt Goch, Carmel – Caniatau/Granted 3.3.76 (Eirianallt Goch) (cais amlinellol/outline application)

T/2272A – Codi annedd a modurdy preifat ar ran o O.S 132 ger / Erection of a house and private garage on part of O.S 132 near Eirianallt Goch, Carmel to be used in connection with agriculture – Caniatau/Granted 15.4.76 (Eirianallt Goch) (Cais cynlluniau manwl/Detailed plans application)

25C184 – Cais amlinellol ar gyfer codi annedd amaethyddol yn / Outline application for the erection of an agricultural dwelling at Eirianallt Goch, Carmel - Caniatau/Granted 15.8.06 (Erw Las)

25C184A/DA – Cynlluniau manwl ar gyfer codi annedd amaethyddol yn / Detailed plans for the erection of an agricultural dwelling at Eirianallt Goch, Carmel – Caniatau/Granted 4.1.07 (Erw Las)

25C177 – Newid defnydd adeilad allanol i fod yn weithdy yn / Change of use of farm building into a workshop at Eirianallt Goch, Carmel – Caniatau/Granted 2.2.06

25C177A – Codi ystafell haul ar y estyniad presennol yn / Erection of a conservatory on the existing extension at Eirianallt Goch, Carmel – Caniatau/Granted 15.4.08

25C266/LUC – Cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer y defnydd cyfredol o'r annedd fel y cafodd ei lleoli a'i hadeiladu yn / Application for a Lawful Development Certificate for the existing use of the dwelling as located and built at Eirianallt Goch, Carmel – Cyfreithlon/Lawful – 13.2.18

FPL/2021/321 - Cais llawn ar gyfer newid defnydd, addasu ac ehangu adeilad allanol presennol i fod yn annedd meter gwledig ynghyd â gosod sustem trin carthffosiaeth newydd yn / Full application for conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with installation of sewage treatment plant at at - Eirianallt Goch Farm, Carmel, Llanerchymedd - Gwrthod / Refused - 28.04.22

Main Planning Considerations

The application is made for the conversion, alteration and extension of an existing outbuilding into a rural enterprise workers dwelling together with installation of sewage treatment plant at at Eirianallt Goch Farm, Carmel, Llanerchymedd.

This is a re-submission of an earlier application which was refused on the 28th April 2022 under planning application reference FPL/2021/321.

The grounds for refusal were that it had not been demonstrated that the enterprise is currently financially sound and has a clear prospect of remaining so, that insufficient information had been provided to demonstrate that there were secure and legally binding arrangements in place in relation to the transfer of management of the farm enterprise to the next generation and that the planning history relating to the holding demonstrates a lack of need, with the holding having already been granted permission for two rural enterprise dwellings and the recent disposal of one of them.

The application site is located in the open countryside outside of any defined development boundary consequently it is therefore necessary to consider whether the proposal conforms with other specific local or national planning policies, namely the provisions of policy TAI 7 and Technical Advice Note 6: Planning for Sustainable Rural Communities.

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

Policy PCYFF2 of the JLDP relates to development criteria and requires that proposals demonstrate compliance with relevant plan policies or national planning policy and guidance.

Policy PCYFF 3 relates to design and place shaping and requires that all proposals will be expected to demonstrate high quality design which fully take into account the natural, historic and built environment context and contributes to the creation of attractive, sustainable places, Proposals, including extensions and alterations to existing buildings and structures will only be permitted provided they conform to the policy criteria, where relevant.

Policy TAI 7 of the JLDP relates to the conversion of traditional buildings in the open countryside to residential use and states that proposals will be permitted where all the following criteria are met:

1. There is evidence that employment use of the building is not viable
2. The development provides an affordable unit for local need or the residential use is a subordinate element associated with a wider scheme for employment re-use
3. The structure is structurally sound
4. No extensive alterations are required to enable the development
5. Any architectural characteristics of merit and traditional materials are retained and that the proposal does not lead to the loss of the original structure's character.

Since this application would provide a rural enterprise dwelling directly linked to the farm holding it would not have to satisfy the employment test within Policy TAI 7. In fact the fourth bullet point in paragraph 4.7.1 of TAN 6 states in relation to the other dwelling tests consideration should be given to whether there is a building suitable for conversion on the enterprise.

The proposal is acceptable in terms of design and is accompanied by a Structural Survey which confirms that the existing building is structurally sound and capable of conversion without extensive rebuilding or extension. Where rebuilding works are required, these do not appear to exceed 20% as noted within the Replacement Dwellings and Conversions in the Countryside SPG. The proposal therefore accords with the provisions of policies PCYFF3 and TAI 7 (where relevant).

The application is also accompanied by a Protected Species Survey report which found that the building was being used by bats and was a probable maternity roost. The proposal includes mitigation through the provision of a bat roost within the roof space and the planting of trees and hedgerows and the provision of swallow mitigation in the form of log stores.

These measures also serve to provide biodiversity enhancement in accordance with policy AMG5 and the Section 6 duty of the Environment Wales Act 2016.

The highways department have confirmed that they have no objection to the proposal.

The application is for a rural enterprise dwelling and which represents one of the few circumstances in which isolated new residential development in the open countryside may be justified.

The purpose of a 'rural enterprise dwelling' is to enable rural enterprise workers to live at or close to their place of work, including encouraging younger people to manage farm businesses and supporting the diversification of established farms.

All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need. It will be important to establish whether the rural enterprise is operating as a business and will continue to operate for a reasonable length of time. Planning authorities should follow the guidance in TAN 6 and the related practice guidance with regard to the requirements for rural enterprise dwelling appraisals.

Applications for rural enterprise dwellings must only be permitted where the rural enterprise dwelling appraisal provides conclusive evidence of the need for the dwelling. In order to ensure that rural enterprise dwellings are retained for their intended purpose a condition restricting the occupancy of the property must be applied. Rural enterprise dwellings should also be classified as affordable housing as defined in TAN 2: Planning and Affordable Housing, to ensure that the dwelling remains available to meet local affordable housing need should the original justification cease to exist.

A Rural Enterprise Dwelling Appraisal has been submitted in support of the application and has been assessed by the Authority's agricultural consultants (RAC).

The proposed development is for an additional dwelling on an established family farming enterprise. An existing dwelling (Erw Las) provides accommodation for Mr and Mrs Williams Senior. They are in their 70s and inputs to the practical management of the business are increasingly reliant on their son, Mr Williams Junior, who is a partner in the business.

Mr Williams Junior currently resides off-farm in Bangor, and it is considered essential to the future of the farm business that he be more readily available. It is contended that no affordable alternative housing is available in the locality comparable with the cost of the proposed on-farm development.

There is a history of permissions for agricultural workers' dwellings on the farm with an initial consent in 1976 for Eirianallt Goch which was occupied by Mr and Mrs Williams Senior until 2008. A further dwelling (Erw Las) was permitted in 2007 on the basis of its need for an additional worker, but into which Mr and Mrs Williams Senior moved, occupation of the first dwelling, Eirianallt Goch, was then taken up by their son, apparently in breach of the agricultural occupancy restriction since, in December 2017 an application for a Lawful Development Certificate of Existing Use or Development was submitted claiming that the dwelling, as built and occupied, did not comply with the planning permission and its conditions. A Lawful Development Certificate was issued in March 2018 (application ref 25C266/LUC). This, and the subsequent sale of the property to another noncompliant and unrelated party in November 2019, effectively severed it from the farm enterprise in practical terms.

It is evident from the history, that despite the fact that permission for Erw Las was granted on the basis that it was needed for an additional worker, it has never been used in this manner since Mr & Mrs Williams Senior immediately took up occupation of the dwelling upon its completion. The LPA might therefore reasonably question whether there had in fact been a genuine need for the 2nd dwelling for an additional worker, and if so, how that additional labour requirement has been met over the past 14 years.

The farm holding extends to 121.5 hectares (77 ha owner-occupied and 44.5 ha rented on a Farm Business Tenancy) which support a livestock enterprise based on a flock of 1,100 sheep. A standard labour calculation indicates a requirement for 2.4 workers which is met by Mr Williams Senior and his son, Mr Williams Junior. There is a proposal that previous cattle rearing activity be reinstated with a herd of 25 suckler cows and with an increased labour requirement of 2.7 workers.

The framework for the appraisal of the case for the proposed dwelling is set out in Planning Policy Wales (2021) and Technical Advice Note 6 'Planning for Sustainable Rural Communities' (2010). Also relevant is the Practice Guidance issued on Rural Enterprise Dwellings (2011) in support of TAN 6.

While Welsh Government wishes to support the needs and aspirations of rural communities and recognises that addressing the housing difficulties which often face those communities is central to that support, it remains part of longstanding planning policy that the countryside should be safeguarded from uncontrolled and sporadic development (PPW paras 4.2.24 and 4.2.36). As such, proposals for isolated dwellings require special justification. One example of such justification is where there is an essential need for a rural worker to live close to their place of work in the absence of nearby accommodation. In these circumstances, Welsh Government requires that all planning applications (PPW para 4.2.37) should be carefully examined to ensure there is a genuine need for the dwelling and the related business is sustainable. Furthermore, Welsh Government requires that any permitted rural enterprise dwellings be regarded as, and retained as, local affordable housing (PPW para 4.2.37).

Technical Advice Note (TAN) 6 provides the criteria whereby this scrutiny should be undertaken in relation to a number of agricultural circumstances:

- (i) a new dwelling on an established enterprise;
- (ii) a second dwelling on an established farm to enable the handover of management to a younger farmer;
- (iii) a second dwelling on an established farm where there is a functional need for at least 50% of an additional worker; and
- (iv) a new dwelling on a new enterprise.

The proposed development would again increase the number of dwellings serving the Eirianallt Goch unit to two. The existing dwelling meets a functional need in so far as it is occupied by a full-time worker on the unit, namely Mr Williams Senior. The need for the additional dwelling is being promoted as essential housing for a member of the next generation in the family farming enterprise, and to the provisions of the first bullet point in section 4.5.1 of TAN 6.

The relevant tests to be met are those for new dwellings on established enterprises as set out in paragraph 4.4.1 of TAN 6, namely:

- (a) there is a clearly established existing functional need;
- (b) the need relates to a full-time worker;
- (c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job is currently financially sound and has a clear prospect of remaining so;
- (d) the functional need could not be met any other means on the holding or in the locality.
- (e) other normal planning requirements (e.g., siting and access) are satisfied

However the policy exceptions relating to farm succession in paragraph 4.5 require only that:

- (i) it is demonstrated that the relevant individual has taken majority control over the farm business and is the decision maker;
- (ii) criteria (c) to (e) in paragraph 4.4.1 are met; and
- (iii) it is demonstrated that the management successor is critical to the continued success of the farm business, and the need for the proposed dwelling cannot be met in any other reasonable way.

The following appraisal considers the three key policy elements arising from the above policy framework namely:

- (i) the circumstances of the transfer of management control;
- (ii) the financial sustainability of the farming enterprise; and
- (iii) the absence of reasonable alternatives to an additional dwelling.

In a case of a transfer of management, TAN 6 does not require criteria (a) and (b) of paragraph 4.4.1 to be formally addressed. However, it is accepted that the scale and nature of the farming enterprise requires the ready availability of a key worker for its effective management. The husbandry of the sheep flock has an assessed labour requirement of two workers. This management is currently provided primarily by an on-farm worker (Mr Williams Senior), and partially by his son, who also has non-agricultural employment, located in Bangor. It is also accepted that there will be occasions, both foreseeable and unforeseen, when the presence of both workers will be required.

The application for the proposed additional dwelling is expressly *“to satisfy the imperative succession needs of the agricultural enterprise”* (Planning Statement Part 4). However, this is qualified by the consideration that Mr Williams Junior has yet to succeed his father and there is no timeline for succession. The Planning Statement indicates that Mr Williams Junior works alongside his father and increasingly so and that Mr Williams Senior *“plans to progressively retire when his son will succeed him, full time”*. Furthermore, on site residence is said to be an aspiration to meet *“current farming responsibilities and the farm succession plan”*. It is stated that Mr Williams Junior is already *“the majority shareholder”* in the farm business, but will only *“succeed his Father completely, at a time yet unknown”*.

No criticism is levelled at the intention that succession will take place, however, an expression of intent does not meet the specific policy requirement of TAN 6 underpinning the allowance for second dwellings in succession cases. The requirement is set out at paragraph 4.5.1 of TAN 6 which requires some demonstration of certainty in respect of the succession process. This is achieved by the submission as part of the planning application of *“secure and legally binding arrangements”* which provide certainty that either:

“-----demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business.” (para 4.5.1)

The objective of Welsh Government in providing for second dwellings on established farms in exceptional circumstances is *“to encourage younger people to manage farm businesses and promote the diversification of established farms”* (TAN 6 para 4.5.1). The clear and binding arrangements are necessary in order to ensure that there is no abuse of this diversion from the normal policy position on additional dwellings on farms, and in circumstances in which it is being argued that the additional dwelling would assist in succession planning.

The Practice Guidance supporting TAN 6 provides some advice on how the above requirement could be addressed:

“A transfer of management control could be achieved by a number of means. One route could be through the form of the farm business; for example, the reappportioning of administrative and operational responsibilities and financial rewards and liabilities in a partnership or limited company. Alternatively, the management role could be secured through the granting of control of the productive assets of a farm by means of a tenancy or contract agreement, or indeed their complete transfer of ownership to the younger person concerned.”

The chosen route of a Partnership Agreement in the current application in order to meet the TAN 6 requirement is, in principle, clearly appropriate and consistent with the advice in the Practice Guidance. The fundamental question is whether the submitted Partnership Agreement demonstrably reapporions administrative and operational responsibilities and financial rewards and liabilities in favour of Mr Williams Junior or will do so on the grant of planning permission for an essential dwelling.

The Agreement clearly relates to the involvement of the next generation in the farm business and as such accords with the policy objective. The question is whether it demonstrably puts Mr Williams Junior in the managerial driving seat.

The profits and liabilities of the farm business are apportioned such that Mr Williams Junior has a marginal proportional financial benefit and responsibility (51%) over his parents; the other Partners in the Agreement (49%). There is, however, no reference to any distinction between the Partners in respect of administrative and operational responsibilities. Indeed each Partner is required to devote their unqualified “*whole time and attention*” to the business (8a), and the unanimous agreement of the Partners is required for specified aspects of the business. The scope for the younger Partner to take principal decisions of day-to-day management and policy is unclear.

The submitted Deed of Partnership does not therefore demonstrably put Mr Williams Junior in functional management control. There remains some uncertainty regarding the delivery of the succession process relating to an otherwise stated progressive transfer of control by Mr Williams Senior over an unknown timescale, and the current scope for the younger Partner to take principal decisions on day-to-day management and policy is unclear.

Given the history of dwellings associated with the farm and the particular enterprise, it is not unreasonable for the certainty expected by TAN 6 to be provided, consequently the LPA have not therefore been satisfied that “*secure and legally binding arrangements*” are in place in relation to the transfer of management responsibilities as required by TAN 6.

While it is national policy to encourage younger people to take on the management of farm businesses, this is subject to the proviso that the relevant businesses are established and financially sustainable. The so-called Financial Test (para 4.4.1 c) requires that:

- (i) The enterprise concerned has been established for at least three years;
- (ii) The enterprise has been profitable in at least one of the years;
- (iii) The enterprise and functional needs are currently financially sound and have a clear prospect of remaining so.

The longevity of the enterprise at Eirianallt Goch is not stated in the supporting Dwelling Appraisal. However, since planning permission was granted for a farm dwelling in 1976 in favour of Mr and Mrs Williams, it is clear that the enterprise is well established, and that the minimum three-year establishment period is met. The first criterion of the Financial Test is, therefore, met.

The submitted Dwelling Appraisal states that the farm accounts for 2018 and 2019 show the enterprise at Eirianallt Goch to have achieved profits of £19,412 and £17,396 before depreciation. The second test criterion is, therefore, met.

In terms of the third test criterion of section 4.10 of TAN 6, it is indicated that:

- (i) Evidence of actual and potential economic performance is necessary;
- (ii) The enterprise must be capable of rewarding labour inputs on the basis of a realistic income; and
- (iii) The enterprise must be capable of affording the build cost of the proposed dwelling and its maintenance.

The TAN 6 provision for succession dwellings is only available to farm enterprises which are established and financially sustainable. This requires applications to meet the so-called Financial Test set out in paragraph 4.4.1 (c) in TAN 6. RAC has considered the current enterprise’s recent financial performance with reference to farm accounts covering the period 2018 – 2022.

The accounts data confirm that the enterprise has been established for at least three years and has been profitable throughout that period. The data also indicate that profit, before depreciation, has been at a modest level and not providing any remuneration for labour inputs made by Mr Williams Junior.

The TAN 6 Financial Test requires that enterprises be currently financially sound and have a clear prospect of remaining so. The expectation (paragraph 4.10.2) is that enterprises provide a sustainable

market return for the labour deployed in them and are capable of maintaining the build cost of a proposed dwelling. It is in this aspect that RAC had some concern.

The current remuneration for a standard worker (Agricultural Wages Order) is some £19,000. The farm accounts show that the level of profit and the drawings made have fallen short of this scale of remuneration in all recent years, not considering the absence of remuneration for any labour provided by Mr Williams Junior. While the current position might continue, it does not meet the TAN 6 requirement, particularly as it is the applicant's case that even in its current circumstances the farm enterprise has a requirement for two workers. The base profit level needed to remunerate two workers and provide a return on the investment of £150,000 in the build cost of the proposed dwelling would be some £43,000 compared with actual profits before depreciation of less than £20,000, and average net profits of less than £10,000. Set against this the farm business has a stable asset base, and substantive positive balance between current assets and liabilities.

It is accepted that many family farming enterprises persist on levels of profitability below the expectation stated in TAN 6. This reflects a lifestyle commitment to farming and the absence of the true accounting of the time and cost of family labour involved. The case for the additional dwelling in the current case turns, therefore, more on its future prospects than on its ability to fully meet the TAN 6 requirements of current financial soundness.

It is proposed that a combination of the secure presence of Mr Williams Junior on the farm and the introduction of a small suckler cow herd will enable the enterprise to substantially improve its financial performance. Two Agricultural Appraisals (October 2021 and June 2022) have been produced by Mr W Williams and forming part of the application documents seeks to demonstrate this by means of a financial assessment. The only change in the sources of income from those shown in the farm accounts is the introduction of 25 suckler cows, which is shown to make only a modest (8-10%) contribution to the projected total gross margin for the enterprise. However, an Addendum Note from Mr W Williams (24.01.22) suggests that the introduction of the suckler cows "*will ---- boost profits to secure the level of income required*". Despite this, the assessment anticipates an increase in the total gross margin of over £70,000 compared with the recent actual performance of the enterprise with the majority of growth coming from existing sources. Given the general variability in prices and costs and the forthcoming changes to the public support system for farming, the assessments may be optimistic. It is noticeable that the latest assessment of net profit is over £22,000 lower than that made a little over 6 months previously.

As indicated earlier the base profit level needed to satisfy the emphasis of the Financial Test is the appropriate remuneration of the labour of two workers (currently some £39,000 and provide a return on the investment of £150,000 in the build cost of the proposed dwelling (£3750 @ 2.5%). This would require a minimum profit of some £43,000 compared with the recent actual profits of less than £20,000 and the projected profit of c£64,000. While there must be some uncertainty that the farm enterprise can make the dramatic improvement in performance projected in a short period, it is accepted that the introduction of the Mr Williams Junior to the enterprise on a secure, full-time basis would be likely to stimulate an improvement, over and above the introduction of a new suckler cow component, such that the lesser target profit would be more likely to be achieved.

It should also be noted that the most recent farm accounts show the maintenance of the average profitability of the farm business only being achieved by the introduction of what appears to be a one-off non-agricultural payment of £5000.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

The holding at Eirianallt Goch has a dwelling (Erw Las) occupied by Mr and Mrs Williams Senior, who are of retirement age. Case Law dictates that it is inappropriate to expect the current occupants to vacate the

dwelling in order to meet a functional need for a new worker. This is recognised at paragraph 6.11 of the TAN 6 Practice Guidance in the circumstances of farm management succession:

“In this particular case, it is accepted that the existing dwelling could be occupied by a person who would, following the transfer of management responsibilities, no longer play a major functional role in the enterprise, and indeed may progress towards retirement.”

The Dwelling Appraisal (para 4.7) intimates that there are a number of traditional buildings on the farm suitable for conversion to dwellings.

In terms of existing available property, an Internet search revealed only 2 suitable properties currently available within 5 kms of Eirianallt Goch, namely a 3-bedroomed terraced property valued at £135,000 and a 4-bedroomed terrace property valued at £150,000, both located in Llanerchymedd. This settlement has ready access to the Eirianallt Goch locality by means of the B5117 and is closer to the farm than Mr M. Williams' current location some 25 kms distant. Current circumstances would suggest however that available and affordable alternative housing reasonably close to the farm is limited.

Given the age of Mr Williams Senior, any benefit of an off-farm dwelling in the close locality would be time limited in relation to the functional need for a worker with an active on-farm management role. This would tip decision making in favour of the use of existing on-farm resources.

There is a history of permissions for agricultural workers' dwellings on the farm with an initial consent in 1976 for Eirianallt Goch which was occupied by Mr and Mrs Williams Senior until 2008. A further dwelling (Erw Las) was permitted in 2007 on the basis of its need for an additional worker, but into which Mr and Mrs Williams Senior moved, occupation of the first dwelling, Eirianallt Goch, was then taken up by their son, apparently in breach of the agricultural occupancy restriction since, in December 2017 an application for a Lawful Development Certificate of Existing Use or Development was submitted claiming that the dwelling, as built and occupied, did not comply with the planning permission and its conditions. A Lawful Development Certificate was issued in March 2018 (application ref 25C266/LUC). This, and the subsequent sale of the property to another noncompliant and unrelated party in 2019, effectively severed it from the farm enterprise in practical terms.

It is evident from the history, that despite the fact that permission for Erw Las was granted on the basis that it was needed for an additional worker, it has never been used in this manner since Mr & Mrs Williams Senior immediately took up occupation of the dwelling upon its completion. Therefore the LPA might reasonably question whether there had in fact been a genuine need for the 2nd dwelling for an additional worker, and if so, how that additional labour requirement has been met over the past 14 years.

As noted above, the farm enterprise has benefitted from planning permissions for two worker's dwellings in 1976 and 2007. In circumstances of enabling the transfer of farm management to the next generation, TAN 6 regards this as a special policy exception to normal restraint which can only be used once. Currently this would have related to an additional dwelling pursuant to the provision of that provided by the 1976 permission (Eirianallt Goch) namely Erw Las, and not to subsequent dwellings. However, this provision only affects proposals after TAN 6 coming into force in 2010 (para 4.5.2). Nevertheless, TAN 6 (para 4.11.2) goes on to indicate that the history of the availability of dwellings is a material consideration, particularly where there is concern about potential abuse of the planning process. Where dwellings have been severed from farms enterprises, it is considered that this could constitute evidence of a lack of need.

Permission for Erw Las was granted in 2007 on the premise that an additional worker was required on the farm. However, on its completion, it was immediately occupied, albeit in compliance with the occupancy terms, by Mr and Mrs Williams Senior who relocated from Eirianallt Goch. The latter was then occupied by their son and his wife who subsequently demonstrated that dwelling, as built and occupied, did not comply with the planning permission and its conditions and a Lawful Development Certificate was granted in 2018. It is also understood that the freehold of the property resided with its non-agricultural occupants and had, therefore, been severed from the farm holding. It would appear, therefore, that the farm enterprise existed for a decade without the need for the ready availability of the additional worker initially

intended to occupy Erw Las. However, only 2–2½ years prior to the current and earlier application (FPL/2021/321) which seeks to re-assert that essential need, steps were actively taken to render Eirianallt Goch unavailable. Mr Williams Junior was resident in the property and as such he was available to the farm. The Council has been advised that the practical severance of the dwelling from the farm was occasioned by the break-up of Mr Williams Juniors' marriage and subsequent financial aspects of the divorce settlement.

It is unlikely, however, that the impending need for the transfer of management of the farm involving Mr Williams Junior were not apparent or being considered at the time. Nevertheless, the severance of the property from the farm clearly diminished its utility and the future prospects of Mr Williams Junior.

The Planning Statement provides material relating to the agricultural dwelling at Eirianallt Goch previously occupied by Mr Williams Junior. The circumstances of the loss of the agricultural status of that property and its subsequent severance from the farm are noted. That dwelling persisted in a situation in which it had been claimed that the farm enterprise required two resident workers. However, the applicant was able to demonstrate that this had not been the case, hence the success of the application for a Lawful Use Certificate and its subsequent sale on the open market in 2019. It is argued that this background is not material to the consideration of the current application which should be judged solely on the fact that there is currently only one dwelling on the farm.

The circumstances of Eirianallt Goch and its severance from the farm suggest that it was treated as a private asset of the occupants rather than of the farm. The granting of permission for the dwelling was not however justified on the basis of the personal requirements of the particular occupiers but on the functional requirements of the farm business. Any private capital introduced to assist in the funding of the dwelling should have been viewed as an investment in the farm business. Indeed it is for this reason that a return on capital investment in the build cost is included in the financial assessments in the Dwelling Appraisal. It is not sufficient to simply dismiss the dwelling on the basis of the financial circumstances of a particular individual. The farm business secured permission for an essential asset and, within its knowledge, allowed it to be used for alternative purposes.

Notwithstanding the personal difficulties of Mr Williams or the future prospects of the farm business, the LPA's position is that it has granted planning permission for two essential dwellings on the farm, has had to concede the loss of one to the open market, and is now faced with a second request for a further dwelling, following the refusal of the earlier application. This within a space of only two and a half years. Irrespective of any personal circumstances of the individuals concerned, these are matters of fact and are material in the context of Welsh Government's continuing desire to contain residential development in the countryside, avoid abuse of the exemptions it allows for rural enterprise workers, but stimulate the succession of the younger generation to farm management.

Therefore contrary that claimed by the agent, the planning history is a material consideration as noted at paragraph 4.11.2 of TAN 6 and which states that *in cases where the planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the enterprise to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold. Such a sale could constitute evidence of a lack of need.*

The grant of planning permission pursuant to the current application would effectively be for a third worker's dwelling on a holding occupied by the Williams family. No third parties have been involved in the decisions relating to the three applications or in the decisions on the disposition of farm assets. Any need for the dwelling now proposed arises directly from those decisions to which some weight should attach.

It is a matter of fact that Eirianallt Goch was in the ownership of and occupied by Mr Williams Junior until November 2019 and retention of that property would have met the applicants current needs for a dwelling on the holding, its severance from the holding in 2019 must therefore be reasonably regarded as evidence of a lack of need as per the advice contained in TAN 6.

Conclusion

In the absence of the “*secure and legally binding arrangements*” required by TAN, 6 there remains uncertainty regarding the delivery of the succession process relating to the transfer of the management of the farm enterprise to the next generation and extent of the control exercised or to be exercised by Mr Williams Junior. Consequently the LPA have not therefore been satisfied that “*secure and legally binding arrangements*” are in place in relation to the transfer of management responsibilities as required by TAN 6.

The substantive actual financial data relevant to the farm enterprise which has been provided shows current circumstances to be less than the expectations of the TAN 6 Financial Test. Projected improvement in financial performance seems optimistic, but whilst it might be reasonable to expect improvement which could potentially meet the key requirements of the TAN 6 Financial test, on balance it is not considered that the TAN 6 financial test is met.

The planning history and the severance of Eirianallt Goch from the holding in 2019 are material considerations which constitute evidence of a lack of need as per the advice contained in TAN 6.

Recommendation

That the application is refused for the following reasons:

(01) The Local Planning Authority do not consider that it has been demonstrated that the enterprise is currently financially sound and has a clear prospect of remaining so contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(02) Insufficient information has been provided to demonstrate that there are secure and legally binding arrangements in place in relation to the transfer of the management of the farm enterprise to the next generation contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)

(03) The Local Planning Authority consider that the planning history relating to the holding and the recent sale of Eirianallt Goch demonstrates a lack of need contrary to the requirements of Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) and the advice contained in Planning Policy Wales (Edition 11, February 2021)