

Application Reference: FPL/2023/173

Applicant: Mr Garry Poole

Description: Full application for the change of use of the former public house (Use Class A3) to a residential care facility (Use Class C2) together with alterations and extensions at

Site Address: Mostyn Arms, St George's Road, Menai Bridge.



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

At the request of the Local Members. Councillor Robin Williams and Councillor Sonia Williams.

At the meeting held on the 4th September 2024, members resolved to visit the site. The site visit took place on the 18th September 2024 and members will now be familiar with the site.

**Proposal and Site**

The application is for the change of use of the former public house (Use Class A3) to a residential care facility (Use Class C2) together with alterations and extensions.

The application site is the former Mostyn Arms located on St George's Road within the development boundary of the Local Service Centre of Menai Bridge and within the designated Conservation Area. The property has been vacant since 2009 and is in a poor state of repair.

## Key Issues

The key issues are whether the development is in compliance with local and national planning policies and whether it is acceptable in terms of design, siting, scale, appearance, highway safety and impact upon the character and appearance of the designated Conservation Area.

## Policies

### Joint Local Development Plan

Policy ISA 2: Community Facilities

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

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

Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy TAI 11: Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly

Policy AMG 5: Local Biodiversity Conservation

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

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 12: Design (2016)

Technical Advice Note 24: The Historic Environment (2017)

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

Menai Bridge Conservation Area Character Appraisal SPG (2012)

## Response to Consultation and Publicity

Consultee	Response
Gwasanaethau Cymdeithasol / Social Services	Comments/support.
Cynghorydd Sonia Williams	Request that the application be referred to the Planning Committee for determination.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments/advice in relation to ecology and biodiversity matters.
Cynghorydd Dyfed Wyn Jones	No response at the time of writing the report.
Cynghorydd Robin Wyn Williams	Request that the application be referred to the Planning Committee for determination.
Cyngor Tref Porthaethwy / Menai Bridge Town Council	Objection - poor submission, unsuitable location on the highway, narrow road with no pavement or car

	park. Negative impact on the community. Similar type of development proposed elsewhere locally. Overprovision of such accommodation in the area.
Iechyd yr Amgylchedd / Environmental Health	Comments in relation to environmental, health and safety and food safety considerations.
Ymgynghorydd Treftadaeth / Heritage Advisor	Although traditional timber sash window specification would be preferred, the proposal would on balance, preserve and enhance the appearance of the Conservation Area.
Dwr Cymru / Welsh Water	No response at the time of writing the report.
Priffyrdd a Trafnidiaeth / Highways and Transportation	The Highways Department are satisfied with the submitted CTMP and provision of 5 parking spaces.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Polisi Cynllunio / Planning Policy	Comments/advice in relation to relevant policy framework.
Draenio / Drainage	Comments/advice.
Dwr Cymru Welsh Water	Comments/condition

The application was afforded two means of publicity. These were the posting of personal notification letters to the occupiers of the neighbouring properties and the publication of an advert in the local press. The latest date for the receipt of representations was the 11/10/2023. At the time of writing this report, a total of 18 representations had been received, 8 in objection and 10 in support. The main points are summarised below:

- Concern regarding a lack of detail in the application about the proposed care home use
- No prior consultation with local residents about the proposal
- Concern that the proposal would not meet CQC requirements
- Concern regarding the suitability of the property for the proposed use.
- Concern that the development would become a HMO and of the increase in HMO's in the town
- How would enforcement of the use of the development be ensured
- What evidence of need is there
- Site is not within easy walking distance to services and facilities in the town due to the nature and topography of the road network to the site
- Concerns regarding traffic, parking and highway safety both during and after completion of the development
- Proposal is overdevelopment
- The use is out of character with the area and would negatively impact nearby Listed Buildings

In response to the above points:

- Additional information has been submitted in relation to the proposed use, including a letter from the intended care provider, which has been reviewed by the Social Services Department whom are satisfied with the information provided and confirmed that there is a need for such facilities in the locality.
- There is no statutory requirement upon the applicant to undertake consultation prior to the submission of an application. The application has in any case been subject to statutory publicity.
- This is a matter for the relevant authority's/organisations. The Social Services Department have been consulted on the proposal and have raised no concerns in relation in this regard.

- If approved, the permission would be for a C2 residential care home and subject to appropriate conditions. Further planning permission would be required for any other uses, including as a HMO and any breach may be subject to appropriate enforcement action.
- The Social Services Department have confirmed that there is a need for such facilities locally.
- The Highways Department have been consulted on the application and are satisfied with the proposals. Whilst acknowledging that the parking provision is slightly below required standards, provision of 5 rather than 6 parking spaces, this is considered to be sufficient in this case having regard to the previous use of the site (public house) and sustainable location of the development with ample public parking in the locality and access to public transport. They are also satisfied with the submitted Construction Traffic Management Plan.
- It is not considered that the proposal constitutes an overdevelopment of the site.
- There are a wide range of various uses in the locality i.e. residential, education, shops, restaurants, public houses and it is not therefore considered that the proposed use would be out of character. There are no Listed Buildings in the immediate vicinity of the site which would be impacted by the proposed use/development, neither is it considered that the proposal would be harmful to the character and appearance of the designated Conservation Area.

### **Relevant Planning History**

39C82 – Addasu ac ehangu yn / Alterations and extensions to the Mostyn Arms, St Georges Rd, Menai Bridge – Gwrthod/Refused – 10.7.87

39C82A - Codi decin pren yn / Erection of timber decking at Mostyn Arms, Menai Bridge – Gwrthod / Refused – 18.5.07

39C82B - Newid defnydd o dŷ tafarn ac annedd breifat i mewn i dŷ amlfeddiannaeth ynghyd â dymchwel, newidiadau ac estyniadau yn y cyn / Change of use from public house and private dwelling into a house in multiple occupation along with demolition, alterations and extensions at the former Mostyn Arms PH, St Georges Rd, Menai Bridge – Caniatu/Granted 10.6.11

39C82C/CA - Caniatad Ardal Cadwraeth ar gyfer newid defnydd o dŷ tafarn ac annedd breifat i mewn i dŷ amlfeddiannaeth ynghyd â dymchwel, newidiadau ac estyniadau yn y cyn / Conservation area consent for change of use from public house and private dwelling into a house in multiple occupation along with demolition, alterations and extensions at the former Mostyn Arms PH, St Georges Rd, Menai Bridge – Caniatu/Granted 15.6.11

LUE/2023/9 - Cais am Dystysgrif Cyfreithlondeb o ddatblygiad presennol mewn perthynas a cychwyn gwaith materol ar ganiatad cynllunio rhif 39C82B yn / Application for a Certificate of Lawfulness of existing development in relation to a material start having been made on planning permission reference 39C82B at Mostyn Arms , Ffordd Cynan/St Georges Road, Porthaethwy/Menai Bridge. - Anghyfreithlon/Unlawful - 15.05/2023

### **Main Planning Considerations**

The application is made for the change of use of the former public house (Use Class A3) to a residential care facility (Use Class C2) together with alterations and extensions at Mostyn Arms, Ffordd Cynan / St George's Road, Porthaethwy / Menai Bridge.

The application site is located within the development boundary of the Local Service Centre of Menai Bridge and therefore accords with policy PCYFF 1.

The subject building is also within the designated Conservation Area.

The proposed use is as a 10 bedroom residential care facility (Use Class C2). Policy TAI 11 of the JLDP relates to 'Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the elderly' and is the most relevant Policy for this proposal.

The policy states that proposals for residential care homes, extra care homes or specialist care accommodation will be permitted where:

1. Residential care homes, extra care homes or specialist care accommodation are located within the development boundaries of either a Sub-regional Centre or Urban or Local Service Centre; or
2. Specialist care accommodation, in exceptional circumstances, involves the re-use of suitable brownfield sites or buildings close to development boundaries and clear justification for its location can be provided, taking account of the nature of the care required, transport impact, and it can be demonstrated that alternative sites are unsuitable and/or unavailable; and
3. In the case of residential care homes and extra care housing, the site must be within reasonable walking distance to services and facilities within the Centre or a high frequency public transport route to the services and facilities; and
4. The proposal will not result in an over provision of care accommodation compared to the needs of the locality.

The site is located within the development boundary of the Local Service Centre of Menai Bridge and is within reasonable walking distance to services and facilities within the Centre and therefore conforms with criterion 1 and 3 of policy TAI 11.

The proposal is not for specialist care accommodation, consequently criterion 2 is not relevant.

In terms of the requirements of criterion 4, the Social Services Department has been consulted on the proposal and whom have confirmed that there is a local need for such a facility and therefore have no objection.

The proposal therefore accords with policy TAI 11 of the Joint Local Development Plan.

Policy PCYFF 2 relates to development criteria and requires that proposals comply with relevant plan policies and national planning policy and guidance. Criterion 7 states that where a development would have an unacceptable adverse impact upon the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage light pollution, or other forms of pollution or nuisance, planning permission will be refused.

Having regard to the previous public house use of the site (which could be recommenced) and the likely levels of activity associated with that use it is not therefore considered that the proposed use is unacceptable or will give rise to unacceptable or detrimental impacts upon the privacy and amenities of nearby properties.

Policy PCYFF 3 relates to design and place shaping and requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental 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, where relevant to the policy criteria.

Criterion 1 requires that it complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Criterion 2 requires that it respects the context of the site and its place within the local landscape, including its impact on important principle gateways into Gwynedd or Anglesey, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges.

Criterion 3 requires that it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with policy PCYFF 4.

Criterion 6 requires that its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution.

Strategic policy PS 20 relates to preserving and where appropriate enhancing heritage assets and states that in seeking to support the wider economic and social needs of the Plan area, the Local Planning Authorities will preserve and where appropriate, enhance its unique heritage assets. Proposals that will preserve and where appropriate enhance the following (relevant) heritage assets, their setting and significant views into and out of the building/area will be granted:

2. Listed Buildings and their Curtilages
3. Conservations Areas (in line with Policy AT1)

Policy AT 1 relates to Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens and states that proposals within or affecting the setting and/or significant views into and out of Conservations Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens must, where appropriate, have regard to:

1. Adopted Conservation Area Character Appraisals, Conservation Area Plans and Delivery Strategies
2. World Heritage Site Management Plans
3. The Register of Landscape, Parks and Gardens of Special Historic Interest in Wales

Proposals should be supported by a Heritage Impact Assessment, where appropriate.

The proposed alterations and extensions, comprising alterations to the frontage, a 2<sup>nd</sup> floor side extension with pitch roof above the existing two storey flat roof area and a three storey hipped, pitch roof rear extension in lieu of the existing 2 storey rear extension are considered to be acceptable in terms of design, appearance, scale and materials and will be an improvement to the current building which will preserve and enhance the character and appearance of the designated Conservation Area. Neither is it considered that the proposals would give rise to detrimental impacts upon the privacy and amenities of nearby residential properties.

Consequently, it is considered that the development accords with the provisions of JLDP policies, PCYFF2, PCYFF3, PS20 and AT1.

The Highways Department have been consulted on the application and are satisfied with the proposals. Whilst acknowledging that the parking provision is slightly below required standards, provision of 5 rather than 6 parking spaces, this is considered to be sufficient in this case having regard to the previous use of the site (public house) and sustainable location of the development with ample public parking in the locality and access to public transport. The Highways Department are also satisfied with the submitted Construction Traffic Management Plan (CTMP) which will be conditioned to be followed.

The application is also accompanied by a Protected Species Survey and Bat Activity Survey. The reports confirms that no bats were found to be using the building. Biodiversity enhancements are proposed in the form of bat and bird boxes which satisfy the requirements of policy AMG5 and the Section 6 duty under the Environment Wales Act 2016.

## **Conclusion**

The proposal is considered to be acceptable and accords with relevant local development plan policies and it is not considered that the proposal would give rise to a significant detrimental impact upon the amenities of neighbouring properties, highway safety or upon the character and appearance of the designated Conservation Area.

## **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 premises shall be used as a residential care home and for no other purpose (including any other purpose in class C2) of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).**

Reason: To ensure that inappropriate uses do not take place in this locality.

**(03) The development hereby approved shall be carried out in accordance with the Conclusions, Impacts and Mitigation for Bats detailed in section 8 of the Protected Species by Clwydian Ecology dated 27th September 2022 and the Reasonable Avoidance and Mitigation Measures detailed in section 4 of the Bat Activity Survey by Clwydian Ecology dated 28th September 2022.**

Reason: To safeguard any protected species which may be present.

**(04) The development hereby approved shall be carried out in accordance with the Construction Traffic and Environmental Management Plan, Rev. 4 by Russell-Hughes Cyf dated 30th April 2024.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety and to ensure necessary management measures are implemented for the protection of the environment during construction to ensure environmental compliance, to manage the risk of pollution incident and to protect sensitive receptors from potential indirect impacts.

**(05) Full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter the works shall be carried out and maintained in accordance with the approved details.**

Reason: To safeguard any protected species which may be present.

**(06) Natural slates of uniform colour shall be used as the roofing material of the proposed development.**

Reason: To ensure that the development is in the interests of amenity.

**(07) The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference 3013:21:3C 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.

**(08) No surface water from any increase in the roof area of the building / or impermeable surface 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.

**(09) 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: 3013:22:1A**
- **Proposed Site Plan: 3013:21:3C**
- **Proposed Floor Plans: 3013:21:5C**
- **Proposed Porch Detail: 3013:21:7**
- **Proposed Elevations: 3013:21:7A**
- **Construction Traffic and Environmental Management Plan, Rev. 4, Russell-Hughes Cyf, 30 April 2024**
- **Structural Report, Datrys, August 2022**
- **Protected Species Survey, Clwydian Ecology, 27th September 2022**
- **Bat Activity Survey, Clwydian Ecology, 28th 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: ISA 2, PS4, PS5, PS19, PS20, TRA2, TRA4, PCYFF1, PCYFF2, PCYFF3, TAI 11, AMG5, AT1.

#### **INFORMATIVE**

Planning permission has been granted on the basis of the building being converted in accord with the works specified in the submitted plans, structural survey and emails dated 29.07.2024. Should any external or internal wall be demolished which has not been approved in the submitted details you are advised to contact the Development Management Section immediately as this may invalidate the planning permission.

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.

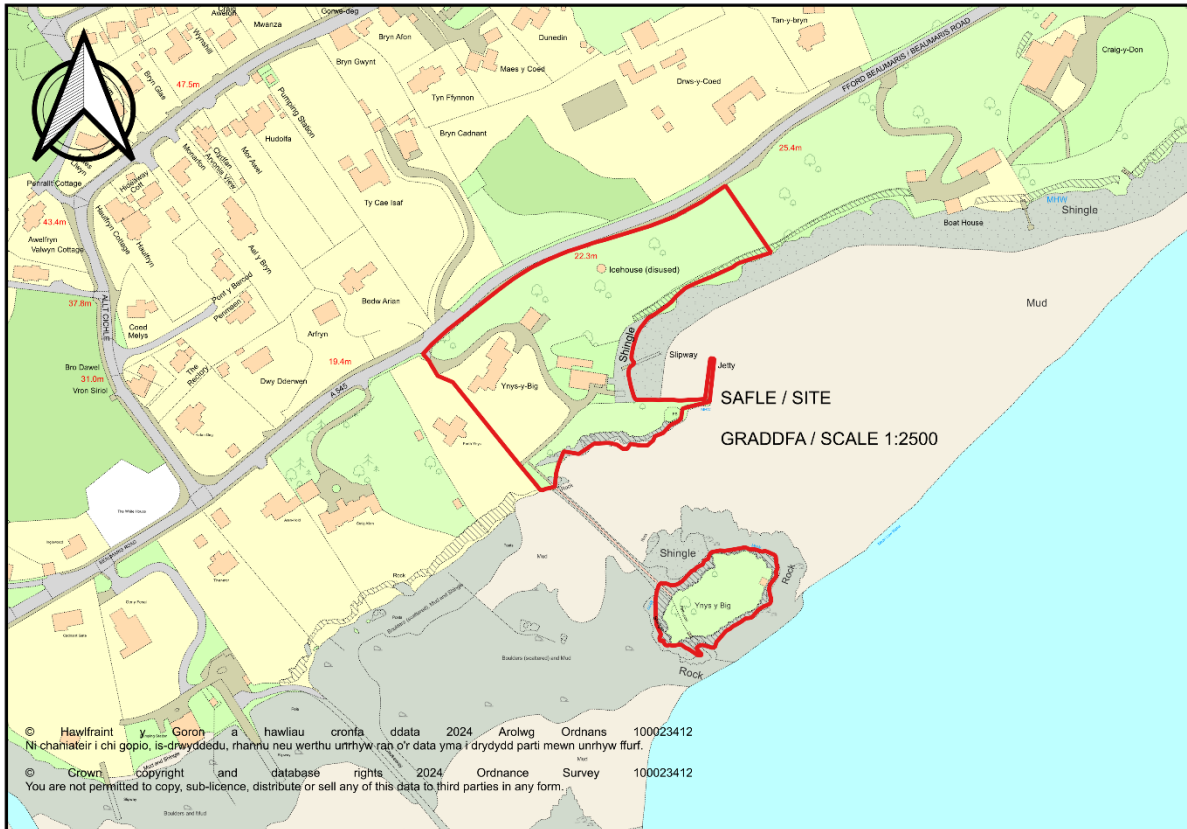


**Application Reference:** FPL/2022/289

**Applicant:** Mr and Mrs Geraint & Paula Jewson

**Description:** Full application for the demolition of the existing dwelling together with the erection of new dwelling and garage together with associated works at

**Site Address:** Ynys Y Big, Beaumaris Road, Glyngarth, Menai Bridge



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

**Recommendation:** Permit

**Reason for Reporting to Committee**

At the request of the Local Members – Councillor Alun Roberts and Councillor Carwyn Jones.

At the meeting held on the 4th September 2024, members resolved to visit the site. The site visit took place on the 18th September 2024 and members will now be familiar with the site.

**Proposal and Site**

The application is made for the demolition of the existing dwelling together with the erection of new dwelling and garage together with associated works.

Ynys y Big is located adjacent to the A545 in Glyn Garth and is a detached single storey property within the AONB set in large grounds that slopes down to the Menai Strait's edge.

## Key Issues

The key issues are whether the development is in compliance with local and national planning policies and whether it is acceptable in terms of design, siting, scale, appearance and impact upon the character and appearance of the designated AONB and the amenities of neighbouring properties.

## Policies

### Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development  
 Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
 Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
 Strategic Policy PS 1: Welsh Language and Culture  
 Policy TRA 4: Managing Transport Impacts  
 Policy TRA 2: Parking Standards  
 Policy PCYFF 2: Development Criteria  
 Policy PCYFF 4: Design and Landscaping  
 Policy PCYFF 3: Design and Place Shaping  
 Policy PCYFF 1: Development Boundaries  
 Policy ARNA 1: Coastal Change Management Area  
 Policy TAI 13: Replacement Dwellings  
 Policy AMG 1: Area of Outstanding Natural Beauty Management Plans  
 Policy AMG 5: Local Biodiversity Conservation

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 12: Design (2016)

Technical Advice Note 5: Nature Conservation and Planning (2009)

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

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

## Response to Consultation and Publicity

Consultee	Response
Ymgynghoriadau Cynllunio YGC	Comments in relation to SuDS requirements and flood risk.
Dwr Cymru Welsh Water	Conditions recommended.
Ymgynghorydd Tirwedd / Landscape Advisor	No response at the time of writing the report.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Recommend conditions.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments in relation to ecology and biodiversity matters.
Cyngor Cymuned Cwm Cadnant Community Council	Acknowledge that proposal is of a smaller scale, however concern remains re justification for demolition and that proposal would be closer to the

	Menai Strait in the AONB.
Cynghorydd Carwyn Jones	Request that the application be referred to the Planning Committee for determination.
Cynghorydd Gary Pritchard	No response at the time of writing the report.
Cynghorydd Alun Roberts	Request that the application be referred to the Planning Committee for determination.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No comments.
Iechyd yr Amgylchedd / Environmental Health	Comments in relation to environmental considerations.
Polisi Cynllunio / Planning Policy	Comments and advise in relation to the relevant policy framework.

The application was afforded statutory publicity. This was by the posting of personal notification letters to the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 12/05/2023. At the time of writing this report, 2 representations on behalf of 4 individuals had been received and the main points are summarised below:

- The amendments to the proposal do not address or overcome the fundamental objections which led to the refusal of two previous applications.
- The application site is located outside any development boundary in an AONB where the primary objective is to conserve and enhance the natural beauty of the landscape.
- The proposal is contrary to the requirements of Policy TAI 13: Replacement dwellings and SPG guidance by virtue of its size, form and siting, and the submitted structural report and viability assessment does not support the proposal.
- The issues identified in the structural report are likely due the fact that the property has been neglected and unoccupied since 2017 and had not been maintained rather than any major issues with the condition of the building.
- Concern regarding the impacts of the proposed replacement dwelling by virtue of its siting, orientation, height, scale and massing upon the privacy and amenities of the neighbouring property.
- Concern regarding the impacts of the development on trees, the environment, wildlife etc.

The above points are addressed within the main body of the report.

### Relevant Planning History

FPL/2018/34 – Cais llawn ar gyfer ailosod llwybr cerdded yn / Full application for replacement walkway at Ynys y Big, Porthaethwy / Menai Bridge – Canitau / Granted 21.2.19

SCR/2019/1 Barn Sgrinio ar gyfer ailosod llwybr cerdded yn / Screening Opinion for replacement walkway at Ynys y Big, Porthaethwy / Menai Bridge – AEA ddim ei angen / EIA not required 25.2.19

SCR/2019/38 - Barn sgrinio ar gyfer dymchwel yr annedd a'r garej presennol ynghyd â chodi annedd a garej newydd yn eu lle, creu mynedfa newydd, gosod system trin carthffosiaeth a gwaith cysylltiedig yn / Screening opinion for the demolition of the existing dwelling and garage together with the erection of a replacement dwelling and garage block, creation of new access, installation of new package treatment plant and associated works at Ynys y Big, Menai Bridge – AEA ddim ei angen / EIA not required 21.8.19

FPL/2019/198 - Cais llawn ar gyfer dymchwel yr annedd a'r garej presennol ynghyd â chodi annedd a garej newydd yn eu lle, creu mynedfa newydd, gosod system trin carthffosiaeth a gwaith cysylltiedig yn / Full application for the demolition of the existing dwelling and garage together with the erection of a

replacement dwelling and garage block, creation of new access, installation of new package treatment plant and associated works at Ynys Y Big, Menai Bridge – Gwrthod / Refused 26.09.19

FPL/2020/182 - Cais llawn ar gyfer dymchwel yr annedd a'r garej presennol ynghyd â chodi annedd a garej newydd yn eu lle, creu mynedfa newydd, gosod sustem trin carthffosiaeth a gwaith cysylltiedig yn / Full application for the demolition of the existing dwelling and garage together with the erection of a replacement dwelling and garage block, creation of new access, installation of new package treatment plant and associated works at Ynys Y Big, Menai Bridge – Gwrthod / Refused 06.09.21

SCR/2023/22 - Barn sgrinio ar gyfer dymchwel yr annedd presennol ynghyd â chodi annedd a garej newydd ynghyd a gwaith cysylltiedig yn / Screening opinion for the demolition of the existing dwelling together with the erection of new dwelling and garage together with associated works at Ynys Y Big, Menai Bridge – AEA ddim ei angen / EIA not required 18.04.23

TPO/2023/21 - Cais i wneud gwaith ar goed sydd wedi eu gwarchod gan Orchymyn Diogelu Coed yn / Application for works to trees protected by a Tree Preservation Order at Ynys Y Big, Menai Bridge – Caniatau / Approved 12.12.23

### **Main Planning Considerations**

The application is made for the demolition of the existing dwelling together with the erection of new dwelling and garage together with associated works at Ynys Y Big, Menai Bridge.

The application site is located in the open countryside, outside of any defined development boundary in a designated Area of Outstanding Natural Beauty.

In addition the application site is in close proximity to a designated SSSI (within buffer) and a C2 flood zone and contains a number of trees protected by a Tree Preservation Order.

This application comprises an amended scheme along with additional information following the refusal of two previous applications in 2019 and 2021.

Ynys y Big is a detached single storey property within the AONB set in large grounds that slopes down to the Menai Strait's edge. The site extends to the north east and the woodland area included in the NRW Ancient Woodland inventory and protected by a TPO titled *Cadnant, Porthaethwy 2006*. The boundary with the A545 and Menai Strait have mature trees (mainly lime and oak) also within the TPO. There are a number of mature trees on the southwest boundary and a large yew protected by a TPO, with most of the other planting more recent (40/50 years) with ornamental cherry and mature shrubs. The wooded island Ynys y Big is located to the south interrupting some inward views and accessible from the site by a reconstructed timber bridge.

Shoreside properties here, including Ynys y Big through large gardens, woodland and trees integrate well into the surroundings and provide a distinct character to the area around Cadnant bridge, with nearly all the woodland on this short section of the Menai Strait protected by a TPO. They are less visually prominent and at a lower density than locations in Glyn Garth and Llandegfan. The present single story dwelling, enclosed by trees sits low in the view and although visible, is not imposing. The boathouse and dock/pier sit low in the view and are enclosed by land and vegetation except to the southeast, which has a clear outward view from the site to Bangor pier and beyond.

LANDMAP describes the area as '*between Beaumaris and Menai Bridge, from the road along the top of the slopes, down to the shore....It is generally steep and well-wooded... The coast road runs along the base of the slope, with various large houses and hotels on the shoreline and set on the sides... Towards the top of the slopes there are numerous scattered houses, linked by steep little lanes, taking advantage of the wonderful views to the Straits, to Bangor and Snowdonia and beyond.... This area is prominent from parts of Bangor and appears as attractively wooded, with a particularly ugly prominent block of flats near the waters edge...*'

Its overall evaluation is **High** as Very attractive well-wooded slopes, forming conspicuous backdrop for Menai Straits, with fine views... Distinctive character, few minor detractors, but spoiling integrity.

Glyn Garth Court is the notable detractor while other large properties such as Plas Rhianfa are designated for their architectural and horticultural value.

Policy PCYFF 1 of the JLDP relates to Development Boundaries and states that the plan identifies Development Boundaries for the Sub-regional Centre, Urban Service Centres, Local Service Centres, Service Villages and Local/Rural/Coastal Villages. Proposals within Development Boundaries will be approved in accordance with other policies and proposals of this Plan, national planning policies and other material planning considerations.

Outside development boundaries development will be resisted unless it is in accordance with specific policies in this Plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential.

The application site lies outside of any defined development boundary and therefore falls to be considered against other specific plan policies.

Policy PCYFF 2 of the JLDP relates to development criteria and states that proposals should demonstrate compliance with relevant plan policies and/or national planning policy and guidance.

Policy PCYFF3 relates to Design and Place Shaping and requires that all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places and sets out a number of criteria against which proposals must be assessed.

Criterion 1 requires that it complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment.

Criterion 2 requires that it respects the context of the site and its place within the local landscape, including its impact on important principal gateways into Gwynedd or Anglesey, its effects on the townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges.

Criterion 3 requires that it utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate, in line with policy PCYFF 4.

Policy PCYFF 4 relates to Design and Landscaping and requires that all proposals should integrate into their surroundings. Proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused. A landscape scheme should, where relevant:

1. Demonstrate how the proposed development has given due consideration to the Landscape Character Area Assessment or Seascape Character Area Assessment;
2. Demonstrate how the proposed development respects the natural contours of the landscape;
3. Demonstrate how the proposed development respects and protects the local and strategic views;
4. Respect, retain and complement any existing positive natural features, landscapes, or other features on site;
5. Identify trees, hedgerows, water courses and topographical features to be retained;
6. Provide justification for circumstances where the removal/loss of existing trees, hedgerows, water courses and topographical features cannot be avoided and provides details of replacements;
7. Provide details of any proposed new landscaping together with a phased programme of planting;
8. Demonstrate that any proposed new planting includes plants and trees of mainly native species of local provenance and does not include any non-native invasive species;

9. Ensure that selection of species and planting position of any trees allows for them to grow to their mature height without detriment to nearby buildings, services and other planting; and
10. Provide permeable hard surface landscaping

The tree planting and landscaping shown in the Landstudio drawings Landscape Framework Plan 1/2 0011 and Landscape Framework Plan 2/2 002C are suitable to meet the requirements of PCYFF 4.

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

The most relevant development plan policy against which to assess the application is policy TAI 13: Replacement Dwellings, together with other more general policies relating to design and place shaping etc.

The main policy of relevance in the consideration of this application is policy Tai 13: Replacement Dwellings which states:

Proposals for the replacement of a dwelling that meet the following criteria, where appropriate, will be granted.

1. Outside development boundaries or identified clusters, the present dwelling has a lawful residential use;
2. The building is not listed
3. The existing dwelling is of no particular architectural and/or historic and/or visual merit, for which it should be conserved;
4. Outside development boundaries the existing dwelling is not capable of retention through renovation and extension and/or it is demonstrated that the repair of the existing building is not economically feasible;
5. Outside development boundaries, the proposed dwelling is not a replacement for a caravan or holiday chalet that has legal residential status;
6. Outside a Coastal Change Management Area, the siting of a replacement dwelling should be within the same footprint as the existing building unless it can be demonstrated that relocation within the curtilage lessen its visual and amenity impact in the locality;
7. Outside development boundaries, the siting and design of the total new development should be of a similar scale and size and should not create a visual impact significantly greater than the existing dwelling in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances a larger well designed dwelling that does not lead to significant greater visual impact could be supported;
8. In area at risk from flooding and outside a Coastal Change Management Area;
  - i. A flood consequence assessment has been undertaken for the development and satisfactory risk mitigation has been identified.
  - ii. The dwelling will incorporate flood mitigation and resiliency measures in accordance with Community and Local Government (CLG) publication 'Improving the flood performance of new buildings; flood resilient construction';
  - iii. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overlapping of the tidal defences;
  - iv. A flood warning and evacuation plan has been prepared for the property and is to be displayed on site.
9. Exceptionally, when a recently or inhabited or habitable dwelling is destroyed by accident, planning permission may be granted for a new dwelling, in situ. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Planning permission for a replacement dwelling may be subject to a condition to ensure:

10. The demolition of the original dwelling and where appropriate the demolition of outbuildings on the completion of the new dwelling and/or
11. That permitted development rights are removed.

The above policy is supported by Supplementary Planning Guidance (SPG): Replacement Dwellings and Conversions in the Countryside which was adopted on the 6<sup>th</sup> September 2019 and which provide further guidance and advice in relation to applications for replacement dwellings in the countryside.

The proposal relates the replacement of an existing unlisted dwelling with lawful residential status and is not a replacement of a lawful residential caravan or chalet, in addition the existing dwelling which has been unsympathetically altered and extended over time exhibits little architectural, historic or visual merit such that it should be conserved, the proposal therefore meet criteria 1, 2, 3 and 5 of the policy.

Criterion 4 of the policy requires that the existing dwelling is not capable of retention through renovation and extension and/or it is demonstrated that the repair of the existing building is not economically feasible.

Further guidance is contained in the SPG which states that it should be demonstrated that repairing the existing building is not economically practical and that a structural report should be provided that notes the suitability of the building for reuse, furthermore the structural survey should be supported by a Financial Viability Report detailing the cost of undertaking the restoration/adaption of the building compared to the costs associated with demolition and replacement. A house that requires modernisation is not eligible to be considered for demolition and replacement. Any Viability Assessment should include the costs associated with repairing the identified problem, the costs in terms of repairing the building should not include work that is part of the applicant's aspiration.

A Structural Survey has been submitted as part of the application which confirms that the existing building is in need of extensive upgrading. It confirms that there is excessive dampness throughout areas of the property indicating either failure of damp-proof courses / membranes, or lack of those in the original construction. It also advises, that due to the age of the property, asbestos is likely to be present. There is also some differential movement noted between both the conservatory and porch structures and the original building with no surface water drainage between the rear of the property and the retaining wall and that considerable groundwork /drainage works would be required externally. It also notes, that whilst performing adequately at present, roof timbers are unlikely to meet current structural requirements.

Cost comparisons by qualified persons have also been provided and have been reviewed by the Authority's Valuation Officer which demonstrates that the repair of the existing building would not be economically viable. It is clear that the works necessary to bring to the property to an acceptable standard are significant, consequently it is therefore accepted that the renovation and retention of the existing dwelling is not economically feasible in this instance and its replacement is an appropriate and sustainable long term solution, in accordance with criterion 4 of policy TAI 13.

In relation to criterion 6, whilst the site lies close to the Coastal Change Management Area (CChMA), based upon the comments received from Natural Resources Wales which raises no concerns in this regard, the site is not therefore considered to fall within the CChMA. The criteria therefore requires that the siting of the replacement dwelling should be within the same footprint as the existing building unless it can be demonstrated that relocation within the curtilage lessen its visual and amenity impact in the locality.

Whilst the proposed replacement dwelling would not be in precisely the same location as the existing, being set slightly forward and oriented slightly more towards the East, there would be an overlap of the building footprints which would ensure that the existing dwelling would need to be demolished in order to erect the replacement dwelling, furthermore it is not considered that the proposed siting would give rise to significantly greater or unacceptable landscape or visual impacts upon the designated AONB or upon the amenities of adjoining uses. On balance it is therefore considered that the proposal accords with criterion 6 of the policy.

Criterion 7 requires that outside development boundaries, the siting and design of the total new development should be of a similar scale and size and should not create a visual impact significantly greater than the existing dwelling in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances a larger well designed dwelling which does not lead to significantly greater visual impact could be supported.

Further guidance is contained in the SPG which states that where justification has been received which would mean that the floor area would need to be larger than the original building, it is considered that this addition should be no larger than 20% of the floor area of the original unit. It notes that this figure is not a target to be achieved and every application will be assessed individually according to merit. It should be ensured that the addition in the floor area is totally essential in terms of practicality and should not be part of an aspiration for a larger house. It further notes that no outbuilding should be considered when calculating the floor area of the residential unit and that nearby buildings that are larger in size are not a reasonable justification to increase the size of the residential unit that is subject to replacement.

The proposal would replace the existing single storey dwelling with a larger, two-storey property. Whilst it would increase the total floor area by approximately 124%, the overall increase in building footprint would only be approximately 12%. LDP Policy TAI 13 permits proposals for replacement dwellings, subject to a range of criteria being met, with further guidance provided in the Council's adopted Supplementary Planning Guidance 'Replacement Dwellings and Conversions in the Countryside' (SPG).

Whilst the proposal would lead to a larger dwelling than currently exists, it is of a high quality design, incorporating the use of natural materials which along with appropriate landscaping would ensure that the proposal would integrate well into the landscape. The area is characterised by large, detached properties set in landscaped gardens and the proposed replacement dwelling, whilst larger than the existing property, would be of a high quality design and appearance, well screened by existing trees and topography and would not give rise to a significantly greater or unacceptable visual impact upon the character and appearance of the area, or the special qualities of the designated AONB having regard to overall context of the site and its surroundings and therefore accords with criterion 7.

The proposal does not introduce a new element to the site or expand into the woodland cover and consequently would not affect natural beauty or AONB special qualities such as woodland cover.

Concerns have also been raised that the proposal will be overbearing and give rise to overlooking and loss of privacy and amenity of a neighbouring property due to the siting/scale of the proposal.

Whilst acknowledging that the proposed replacement dwelling is located slightly further forward than both the existing dwelling and the neighbouring dwelling, the separation between the properties and the distance from the boundary is in excess of the minimum distance requirements set out in the guidance on proximity contained in Guidance Note 8 of the Design Guide for the Urban and Rural Environment Supplementary Planning Guidance.

It is also acknowledged that the proposed dwelling is of a greater scale and massing which is largely attributed to the fact that the proposed dwelling would be two storey whereas the existing property is single storey. There would only be an approx. 12% increase in overall building footprint and a 2.3m increase in ridge height. Consequently, it is not considered that the proposal would have an unacceptably overbearing impact upon the neighbouring property.

In light of this and given the orientation of the proposed dwelling in comparison to the position of the neighbouring property it is not considered that the proposal would be unacceptably overbearing or affect privacy or amenity to such a degree as to warrant refusing the application on these grounds.

It is therefore considered that the proposal complies with the provisions of policies PCYFF3, PCYFF4, TAI13 and AMG 1 of the JLDP.



While parts of the red-line boundary of the application lie within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Sea, the proposed structures will be elevated above all extreme sea levels along the Menai Strait. This would be for current day Extreme Sea Level's and when an allowance is made for climate change associated with sea level rises. The frontage is within PDZ16 of the Shoreline Management Plan and this advises no active Intervention. The submitted photographs show a rocky shoreline adjacent to the proposal which, by its nature is unlikely to require any intervention associated with coastal erosion. No intervention is proposed as part of this application. As such, NRW raise no concerns in this regard for these proposals.

Policy TRA 2 (Parking Standards) requires that parking provision for all modes of transport should be in accordance with the Council's parking standards. The proposal includes adequate parking provision.

The highways department have been consulted on the proposal and have raised no objection.

An updated Preliminary Ecological Appraisal has been submitted as part of the application. The report found evidence of a bat roost within the garage and potential roosts in two other buildings and trees on the site. It also found that the site has the potential to support amphibians and identified the presence of invasive non-native species (Japanese Knotweed and Spanish Bluebell) consequently the permission will be subject to relevant conditions as appropriate.

The proposal also includes appropriate mitigation, planting, landscaping and biodiversity enhancements in accordance with policy AMG5 and the Section 6 Duty of the Environment Wales Act 2016.

## **Conclusion**

The proposal is considered to be acceptable and accords with relevant local development plan policies and it is not considered that the proposal would give rise to a significant detrimental visual impact upon character and appearance of the designated area or the amenities of nearby 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 shall be carried out in accordance with relevant Guidelines for Pollution Prevention and best practice.**

Reason: To prevent pollution of the water environment.

### **(03) The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference M21 973 01 Rev B 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.

### **(04) Full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter the works shall be carried out and maintained in accordance with the approved details.**

Reason: To safeguard any protected species which may be present.

**(05) Natural slates of uniform colour shall be used as the roofing material of the proposed dwellings.**

Reason: To ensure that the development is in the interests of amenity.

**(06) All stonework proposed to be used in the construction of the dwelling shall be natural local stone of uniform colour.**

Reason: To ensure that the development is in the interests of amenity.

**(07) The development hereby approved shall be carried out in accordance with the Evaluation and Recommendations detailed in section 5 of the Preliminary Ecological Appraisal by Atmos Consulting dated June 2023**

Reason: To safeguard any protected species which may be present.

**(08) The development hereby approved shall be carried out in accordance with the Amphibian Methodology Statement by Atmos Consulting dated July 2021**

Reason: To safeguard any amphibians which may be present.

**(09) 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.

**(10) No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.**

Reason: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

**(11) The site shall be landscaped in accordance with the landscaping and planting scheme detailed on drawing Nos. 001I and 002C during the first planting season following the occupation of the dwelling or the completion of the development, whichever is the sooner. The said trees and shrubs shall be maintained for a period of five years from planting and any trees or shrubs that die, or become severely damaged, or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.**

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

**(12) 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**
- **Proposed Site Layout: M21 973 01 Rev B**
- **Site Section AA: M21 973 02 Rev A**

- **Proposed Ground Floor Plan: M21 973 03 Rev B**
- **Proposed First Floor Plan: M21 973 04 Rev B**
- **South East Rear Elevation: M21 973 05**
- **North Elevation: M21 973 06**
- **South Elevation: M21 973 07**
- **North West Front Elevation: M21 973 08**
- **Proposed Garage Details: M21 973 09**
- **Proposed Foul Route to DCWW Sewer: 23054/SK01 Rev P2**
- **Landscape Framework Plan 1/2: 0011**
- **Landscape Framework Plan 2/2: 002C**
- **Preliminary Ecological Appraisal 6550/R1/Rev5, Atmos Consulting, June 2023**
- **Amphibian Method Statement 6550/R2/Rev1, Atmos Consulting, July 2021**
- **Arboricultural Impact Assessment and Method Statement 20/AIA/Anglesey/27 (Rev C), Tree Solutions Arboricultural Consultants, February 2023**

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, PS4, PS5, PS19, PCYFF1, PCYFF2, PCYFF3, PCYFF4, TRA2, TRA4, TAI13, ARNA1, AMG1, AMG5.

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.