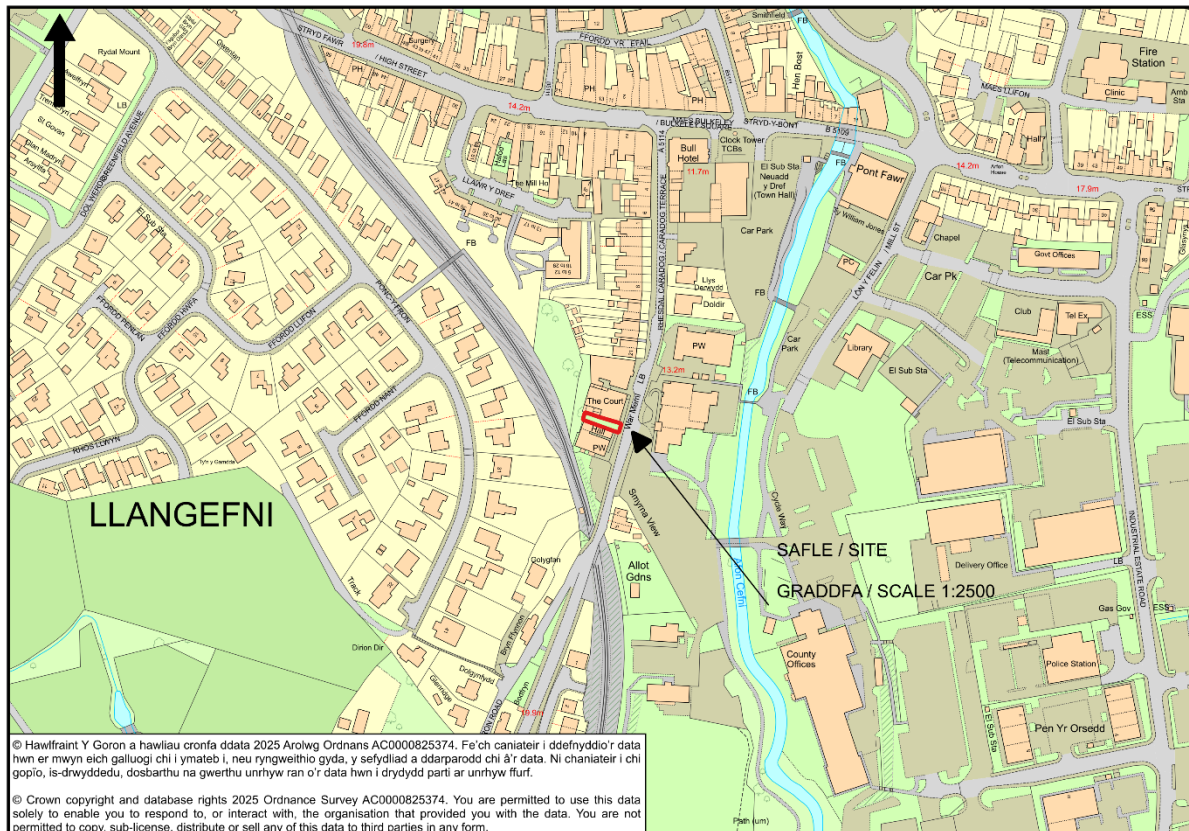


Application Reference: HHP/2025/93

Applicant: Aeddán Berry

Description: Full application for the construction of a vehicular access together with creating a parking area at

Site Address: Smyrna Chapel, Glanhwfa Road, Llangefni.



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

Recommendation: Refuse

Reason for Reporting to Committee

The planning application has been presented to the Planning and Orders Committee on the request of the Local Member due to local concerns and highway safety.

Proposal and Site

This is a full application for the construction of a new vehicular access together with creating a parking area at Capel Smyrna, Glanhwfa Road, Llangefni.

Key Issues

Policy Consideration
Highway Safety
Listed Building/Conservation Area
Impact on Adjacent Uses
Ecology and Green Infrastructure

Policies

Joint Local Development Plan

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Policy TRA 2: Parking Standards
Policy TRA 4: Managing Transport Impacts
Strategic Policy PS 5: Sustainable Development
Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping
Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets
Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy AMG 5: Local Biodiversity Conservation

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 18: Transport (2007)
Technical Advice Note 24: The Historic Environment (2017)

Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	Approval recommended subject to a condition that no surface water is to be drained directly or indirectly into the public sewerage system.
Ymgynghorydd Treftadaeth / Heritage Advisor	Confirmation that the proposal will not have any impact upon the Listed Building or Conservation Area.
Priffyrdd a Trafnidiaeth / Highways and Transportation	Recommendation of Refusal due to highway safety.
Cynhorydd Geraint Ap Ifan Bebb	No response.
Cynghorydd Nicola Roberts	Call in request due to local concerns and highway concerns.
Cyngor Tref Llangefni Town Council	Concerns raised on Highway Safety especially if cars reverse onto the public highway.
Draenio / Drainage	Confirmation that the site is not within any flood zones and no history of flooding within the application site.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and a notice was also placed in the local newspaper. The latest date for the receipt of any representation was the 23/7/23. At the time of writing this report, no letters of representation had been received at the department.

Relevant Planning History

FPL/2024/153 - Full application for the conversion of the school hall into a dwelling together with the conversion of part of the Chapel into office space (Use Class B1) at - Capel Smyrna, Lon Glanhwfa, Llangefni – Permit 11/10/24

LBC/2024/11 – Listed Building Consent for the Conversion of Capel Smyrna school hall into a 2 bedroom dwelling together with the removal of pew seating to allow bookbinding station and studio desks at Capel Smyrna, Lon Glanhwfa, Llangefni - Permit 02/09/2024

LBC/2025/15 - Listed Building Consent for minor external alterations to the old Schoolhouse at Capel Smyrna, Lon Glanhwfa, Llangefni – Permit 25/7/25

Main Planning Considerations

Policy Consideration

This planning application is for the construction of a new vehicular access and creating a new parking area; therefore, the following are the main relevant policies:-

Policy TRA2: Parking Standards states that parking provision for all modes of transport should be in accordance with the Council's Parking Standards.

Policy TRA4: Managing Transport Impacts states that proposals should be planned and designed in a manner that promotes the most sustainable modes of transport and that proposals that would cause unacceptable harm to the safe and efficient operation of the highway will be refused.

In line with Planning Policy Wales and Technical Advice Note 18: Transport, the demand for parking spaces for cars should be managed and the parking provision for other modes of transport, such as cycling, should be encouraged.

Highway Safety

The Highways Authority has given careful consideration to the proposal in terms of Highway Safety. The Highways Authority was initially supportive of the application; however, after further consideration the Highways Authority has confirmed that they cannot support the construction of a new vehicular access due to safety concerns.

The proposed access would be directly onto the Class A highway, which forms one of the principal approaches into Llangefni from the South. The highway in front of Capel Smyrna carries a high volume of traffic, service and delivery vehicles, and functions as a key distributor within the local highway network. The highway narrows within close proximity of the proposed access, and this would pose a substantial risk of conflict with through-traffic. Vehicles attempting to enter or exit the site would be doing so at a location where road users are already required to negotiate priority movements. This would undermine the safe and free flow of traffic along this strategic route.

The proposed development does not have sufficient space within the site to accommodate manoeuvring, this would result in cars not being able to enter and exit in a forward gear. If cars were to reverse onto the highway this would restrict visibility be detrimental to pedestrian and highway safety. This would be a fundamental requirement, particularly on classified roads such as this section of Glanhwfa Road.

Vehicles approaching from the North (town centre direction) would need to reverse into the car parking area to avoid reversing out. However, reversing into a narrow access from a heavily trafficked A class road would be impractical and unsafe. It is foreseen that vehicles would enter the car parking spaces in a forward gear and would result in vehicles reversing onto the highway. The Highway Authority notes that all other properties along this section of Glanhwfa Road are served by accesses which provide turning facilities, ensuring that vehicles are able to egress in a forward gear. The creation of a new access without such provision would be inconsistent with the established standard and would be detrimental to highway safety.

Whilst the applicant has sought to demonstrate compliance with Technical Advice Note 18 guidance by providing visibility splays of 2.4m x 45m in each direction this does not overcome the fundamental safety concerns raised above. The visibility splays are based on vehicles entering and exiting in a forward gear. The reality of vehicles reversing out from the proposed access means that drivers would be manoeuvring with restricted rearward vision and at a greater risk of conflict with both pedestrians and passing vehicles.

Listed Building/Conservation Area

The Smyrna Congregational Chapel and Hall are Grade II Listed Buildings. The building dates back to 1903 is set back slightly from the West side of Glanhwfa Road, Opposite Shire Hall.

Listed Building Consent has been granted for minor external works under LBC/2025/15 on the 25th July 2025.

The Heritage Officer confirmed that the external works would be minor interventions and would not harm the character or setting of the heritage asset with the re-instatement works being sympathetic and the proposal therefore complies with Strategic Policy PS20 and Policy AT1 of the JLDP.

It is acknowledged that the building is a Grade II Listed Building and the importance of bringing the building back into use; however, the construction of a new vehicular access would have a significant impact upon the safety of pedestrian and highway safety. It is not considered that there is a justifiable need for the access in order to develop the building. The site is located in a very sustainable location with ample car parking spaces within the town centre.

Impact on Adjacent Uses

Criteria 7 of Policy PCYFF 2: Development Criteria states that planning permission will be refused where the proposed development would have an unacceptable adverse impact on 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.

It is considered that the proposal would be detrimental to pedestrian safety as cars reversing onto the highway would conflict with pedestrians. This would be contrary to the provisions of Policy PCYFF2.

Ecology and Green Infrastructure

Strategic Policy PS19 and Policy AMG5 of the JLDP states that proposals must enhance biodiversity. The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

The applicant has provided a Green Infrastructure Statement (GIS) which states that a wildflower meadow is to be created to the rear of Capel Smyrna. A condition will be placed on the permission to ensure that the wildflower meadow is completed within the first planting season following the use of the access hereby approved being first brought into use.

The proposal complies with Strategic Policy PS19, policy AMG5 and the advice contained within PPW.

Conclusion

The proposal for the construction of a vehicular access together with creating a parking area would be detrimental to Highway and Pedestrian Safety for reasons set out in the main body of the report. The proposal is contrary to Policy TRA4, PCYFF2 and Technical Advice Note 18

Recommendation

That the application is refused for the following reason:

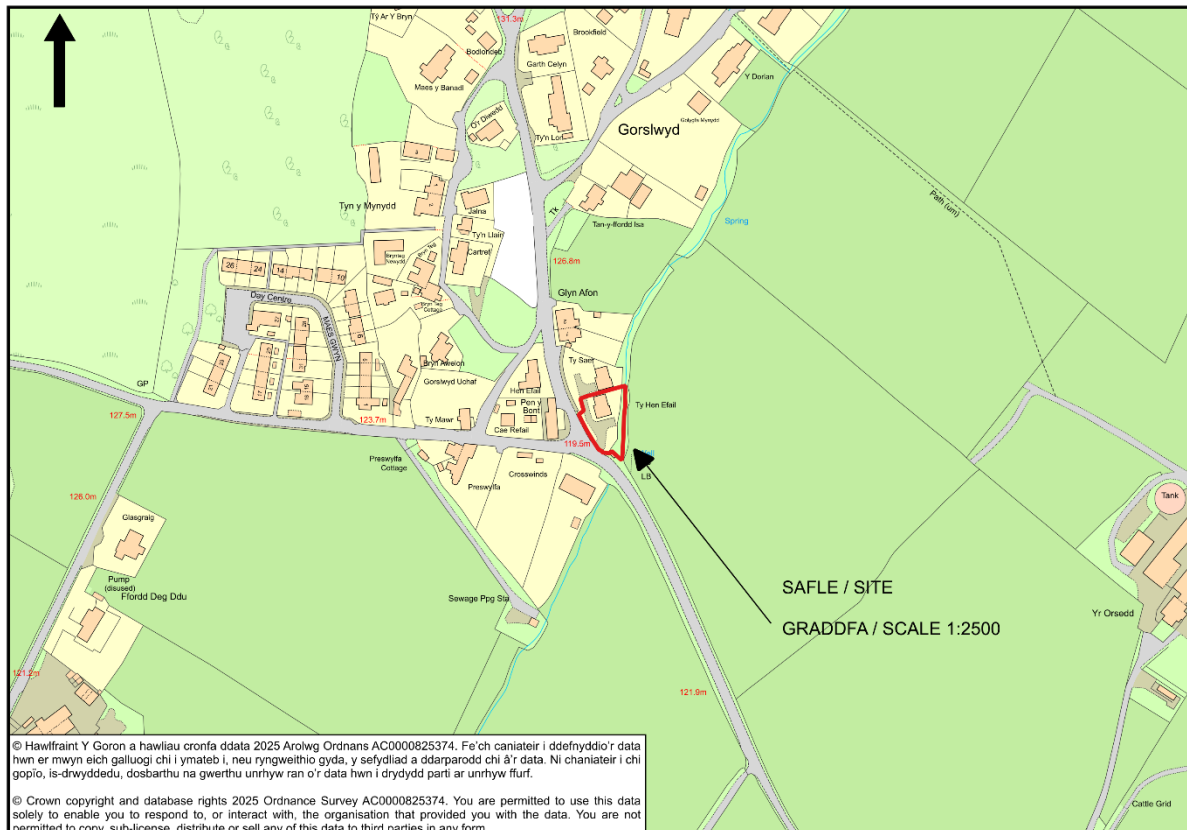
(01)The Local Planning Authority considers that the construction of a new vehicular access and parking area would be detrimental to highway and pedestrian safety contrary to Policy TRA4 and PCYFF2 of the Joint Local Development Plan and Technical Advice Note 18.

Application Reference: HHP/2025/151

Applicant: P Jensen

Description: Full application for the erection of a balcony, together with the erection of a garage at

Site Address: Ty Hen Efail, Llanddona.



Report of Head of Regulation and Economic Development Service (Cai Gruffydd)

Recommendation: Permit

Reason for Reporting to Committee

The application is called to the Planning and Order Committee at the request of the Local Member Cllr Carwyn Jones. The reason being the proposed balcony would overlook directly into the neighbouring property, causing privacy concerns.

Proposal and Site

The existing dwelling is a two-storey detached property located just outside the development boundary of Llanddona, as defined in the Joint Local Development Plan. The site is also located within the Area of Outstanding Natural Beauty.

The proposal consists of erecting a first floor balcony on the Eastern elevation of the existing dwelling, and erecting a new garage at the front Eastern side of the site next to the existing access.

Key Issues

The key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would have any negative impacts on the area or any neighbouring properties.

Policies

Joint Local Development Plan

AMG 1: Area of Outstanding Natural Beauty Management Plans

AMG 5: Local Biodiversity Conservation

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

Anglesey Area of Outstanding Natural Beauty Management Plan 2023 – 2028

Supplementary Planning Guidance:

SPG - Design Guide for the Urban and Rural Environment (2008)

Planning Policy Wales 12th Edition

Technical Advice Note:

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (2016)

Response to Consultation and Publicity

Consultee	Response
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objections.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No objections.
Dwr Cymru Welsh Water	No objections - condition requested stating no surface water shall be allowed to drain directly or indirectly into the public sewerage system.
Cyngor Cymuned Llanddona Community Council	No objection to the proposed garage, however objecting to the proposed balcony due to privacy and overlooking concerns.
Cynghorydd Carwyn Jones	Called the application into the planning committee – the reason being the proposed balcony would overlook directly into the neighbouring property, causing privacy concerns.
Cynghorydd Alun Roberts	No response.
Cynghorydd Gary Pritchard	No response.
Ymgynghorydd Tirwedd / Landscape Advisor	No response.

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 17/10/2025. At the time of writing this report, one letter and four web comments of representation had been received at the department.

The objections were all similar in relation to what concerned the local people of Llanddona. Below, all the concerns raised from the letter and web comments have been split into three main categories:

- Privacy concerns.
- Effects on biodiversity.
- Highway concerns.

The first concern emphasized that the proposed balcony would overlook directly into the neighbouring property, causing privacy concerns. This will be discussed in greater detail in the report.

The second concern stressed that the proposal would have a negative impact on biodiversity, resulting in a loss of habitat, and increasing flood risks in the area. Regarding the impacts on biodiversity, updated Japanese Knotweed Management Plans were submitted as part of this application due to the boundary fence being altered and expanded into potentially untreated locations to accommodate the proposed garage. The ecologist was satisfied with the information provided in the updated Management Plan, and a condition will be implemented with the decision ensuring that 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. Regarding the potential increase to the flood risks in the area, the development is not considered highly vulnerable, therefore it is not considered the proposal will increase the harm on flooding.

The third concern stated that a Construction Traffic Management Plan should be submitted as part of the application due to previous problems during the construction phase with previous permission RM/2020/8. The Highway Authority was consulted on this application, and they do not deem that this proposal will have an effect on the local highway network, and are satisfied with the proposal.

Relevant Planning History

22C231 - Cais amlinellol ar gyfer codi dau annedd yn cynnwys manylion llawn am yr mynedfa i gerbydau ar dir gyferbyn a / Outline application for the erection of two dwellings together with full details of the vehicular access on land opposite Pen Y Bont, Llanddona. Caniatáu / Permit - 14/06/2017.

RM/2020/8 - Cais am faterion a gadwyd yn ôl ar gyfer codi dwy annedd ynghyd a creu fynedfa i gerbydau ar dir gyferbyn / Application for reserved matters for the erection of two dwellings together with the construction of a vehicular access on land opposite Pen Y Bont, Llanddona. Caniatáu / Permit - 27/11/2020.

DIS/2022/47 - Cais i ryddhau amod (02) (Cynllun Rheoli Traffic Adeiladu) o ganiatâd materion a gadwyd yn ôl rhif RM/2020/8 (faterion a gadwyd yn ôl ar gyfer codi dwy annedd) ac amodau (06) (troedffordd) a (16) (draenio dwr gwyneb) o ganiatâd cynllunio 22C231 (cais amlinellol ar gyfer codi dau annedd) yn / Application to discharge condition (02) (Construction Traffic Management Plan) of reserved matters approval ref RM/2020/8 (reserved matters for the erection of two dwellings) and conditions (06) (footway) and (16) (surface water drainage) of planning permission ref 22C231 (outline application for the erection of two dwellings) at Pen Y Bont, Llanddona. Amod wedi ei Ryddhau / Condition Discharged - 16/08/2022.

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.

The application's main issues are:

- i. Proposed Development.
- ii. Siting and Design.
- iii. Adjacent Residential Properties.
- iv. Impact on Area of Outstanding Natural Beauty.
- v. Green Infrastructure and Ecology.
- vi. Conclusion.

Proposed Development:

The existing dwelling is a two-storey detached property located just outside the development boundary of Llanddona, as defined in the Joint Local Development Plan. The site is also located within the Area of Outstanding Natural Beauty.

The proposal consists of erecting a first floor balcony on the Eastern elevation of the existing dwelling, and erecting a new garage at the front Eastern side of the site next to the existing access. The balcony will measure 2.5 meters in height from ground level, and will extend 1.5 meters out from the first floor of the existing dwelling, and will measure 4.8 meters in width. The garage will measure 3.5 meters x 6 meters, and will measure 2.2 meters in height to the eaves, and 4.5 meters in height to the pitched roof.

Siting and Design:

Policy PCYFF3 states that the proposal must be expected to demonstrate a high quality design and should complement and enhance the character and appearance of the site.

The siting is considered acceptable given that the proposed development is situated away from the public road. The design and appearance are considered acceptable with high quality materials used, and the balcony would be small in scale and subservient to the existing dwelling. The proposed garage conforms to the site and its built surroundings, and the design encourages use of materials that compliments the existing dwelling and surrounding area. The materials include timber cladding and slate roof to match the existing dwelling. Furthermore, effective biodiversity enhancements have been introduced.

It is considered that the proposed scale of the works is reasonable with the development complimenting the existing dwelling, and subservient to the existing site. It is considered that the scale of the development does not have a negative visual impact on the surrounding area.

The garage will be used ancillary to the main dwelling and will not be used for any commercial use whatsoever. A condition will be placed on the permission to ensure that the use of the garage will be used incidental to the main dwelling.

Adjacent Residential Properties:

Consideration has been given to the requirements of Policy PCYFF2: Development Criteria to ensure that the development does not have a negative 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.

The application was called into the planning committee by Councillor Carwyn Jones. The reason being the proposed balcony would overlook directly into neighbouring property, 'Crosswinds', causing privacy concerns. Within a built-up area there will inevitably always be a degree of built development being in close proximity. A set of indicative minimum distances to prevent overlooking issues are noted in Guidance Note 8 'Proximity of Development' of the Supplementary Planning Guidance (SPG): Design Guide for the Urban & Rural Environment. The proposed balcony would be situated approximately 38

meters away from the neighbouring property, and the proposed garage would be situated approximately 26 meters away from the neighbouring property, which complies with the proximity distances set out in the SPG. In addition, there is a public road in between the properties acting as an effective intervening use. Furthermore, the neighbouring property has planted vegetation large in height acting as effective screening along their front boundary, further preventing any overlooking and privacy impacts. Therefore, it is considered that the impact on neighbouring properties would be negligible, and as such considered that the application complies with policy PCYFF 2.

Impact on Area of Outstanding Natural Beauty:

The application site is located just outside the Area of Outstanding Natural Beauty. Policy AMG 1 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 scale of the proposed development does not negatively impact the surrounding environment and will not have a negative impact upon the special quality of the Area of Outstanding Natural Beauty.

Green Infrastructure and Ecology:

The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

In accordance with the requirements of Policy AMG 5 of the JLDP and the duty to enhance biodiversity, a Green Infrastructure Statement was received with the planning application. The proposal includes one bat box to be installed on the rear elevation of the garage, and one nest cup to be installed on the Western side elevation of the proposed garage, prior to the use of the development hereby approved.

Furthermore, updated Japanese Knotweed Management Plans were submitted as part of this application due to the boundary fence being altered and expanded into potentially untreated locations to accommodate the proposed garage. The ecologist was satisfied with the information provided in the updated Management Plan, and a condition will be implemented with the decision ensuring that 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.

Conclusion

The proposed development demonstrates high quality design and complements and enhances the character and appearance of the site. It is not considered that the proposed development will adversely impact the character of the dwelling or the surrounding Area of Outstanding Natural Beauty. The proposal is not considered to have a negative impact upon the amenity of adjacent residential properties due to the development complying with the proximity distances set out in the SPG, and intervening uses such as the public road and effective screening. The proposal also offers biodiversity enhancements in accordance with the requirements of the Environment (Wales) Act and relevant Development Plan policies. It is considered that the overall design for the proposed scheme complies with the relevant planning policies, and the recommendation is one of approval.

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.

- **A.SITE – Location plan.**
- **A.02.02 Revision A – Proposed garage plans and site plan.**
- **A.02 – Proposed plans.**
- **Green Infrastructure Statement – Revision A.**
- **JKRW1992 – Japanese Knotweed Management Plan by Japanese Knotweed Removal Wales dated October 30th, 2025.**
- **JKRW1992.2 – Japanese Knotweed Management Plan 2 by Japanese Knotweed Removal Wales dated November 11th, 2025.**

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

(03) One bat box shall be installed on the rear elevation of the garage, and one nest cup shall be installed on the Western side elevation of the garage, as shown on drawing reference, 'A.02.02 Revision A', prior to the use of the development hereby approved, and thereafter shall be retained as such for the lifetime of the development hereby approved.

Reason: To ensure the proposal provides biodiversity enhancements in accordance with Policy AMG5.

(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) The treatment of Japanese Knotweed shall be carried out in accordance with the Japanese Knotweed Management Plan, report reference 'JKRW1992', by Japanese Knotweed Removal Wales dated October 30th, 2025, and the Japanese Knotweed Management Plan 2, report reference 'JKRW1992.2' by Japanese Knotweed Removal Wales dated November 11th, 2025, 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.**
- **Biosecurity measures should be used across the site until it has been confirmed otherwise by a licenced ecologist report regarding the INNS. Biosecurity measures should include the washing of all equipment, tyres, shoes before entering site and leaving site - having appropriate cleaning stations available.**

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

(06) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the dwelling located within the red line of the location plan, and for no commercial or business use whatsoever.

Reason: In the interest of amenity.

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.

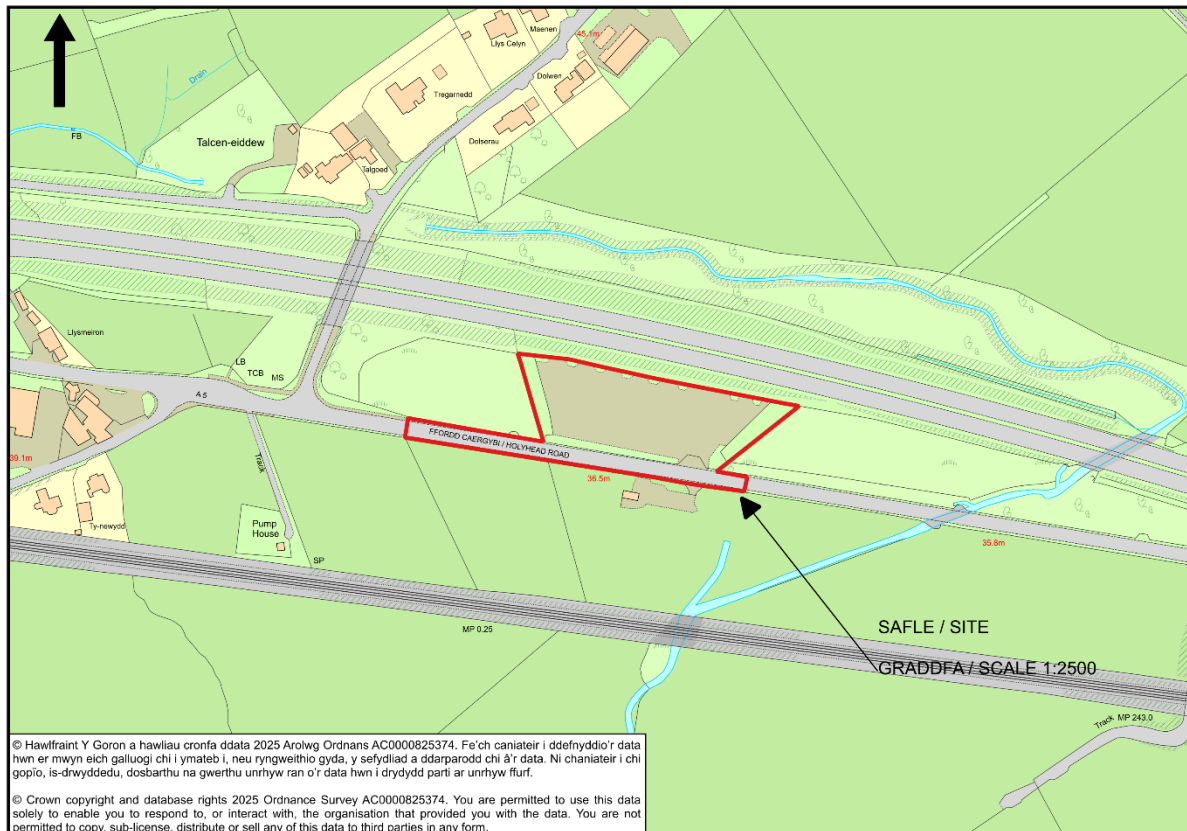
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: LUE/2025/30

Applicant: Head of Housing Services

Description: Application for a Lawful Development Certificate for the existing use of operational development undertaken to implement planning permission 41LPA1041/FR/TR/CC on land to the east of

Site Address: Cyffordd Star Crossroad, Star



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

Recommendation: Lawful

Reason for Reporting to Committee

The application is reported to the planning committee as it is made by the Local Authority on Local Authority owned land.

Proposal and Site

The site is located in the open countryside of the Star area with access afforded via the A5 highway, which lies to the South of the site and defines its Southern boundary. The site is sandwiched between the A5 and A55 highways, with the latter forming the Northern boundary of the site. The remaining boundaries are shared with agricultural land. The site currently consists of a hardcore surface along with

a widened vehicular access, with these works having been done in association with permission 41LPA1041/FR/TR/CC.

The application is made for a Certificate of Lawful Use to establish whether or not the works carried out are sufficient to be considered as a material start in safeguarding permission 41LPA1041/FR/TR/CC.

Key Issues

As the application is made for a Certificate of Lawful use, the proposal is not considered upon its planning merits but instead upon the evidence submitted and whether or not it is sufficient to discharge the burden of proof.

Policies

Joint Local Development Plan

No policies applicable.

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Sonia Williams	No response.
Cynghorydd Robin Wyn Williams	No response.
Cynghorydd Dyfed Wyn Jones	No response.
Cyngor Cymuned Penmynydd a Star Community Council	No response.

Publicity was afforded to the scheme via the posting of personal letters to occupiers of neighbouring properties, with the latest date for representations to be made being the 03/10/2025. At the time of writing this report,, no representations had been received from the public.

Relevant Planning History

DIS/2019/18 - Application to discharge condition (04) (statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/19 - Application to discharge condition (15) (updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/20 - Application to discharge condition (14) (method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted) from planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation

of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/21 - Application to discharge condition (16) (specification for a programme of archaeological work) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/28 - Application to discharge condition (12) (supporting design calculations for the attenuated surface water drainage system) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

41LPA1041/FR/TR/CC - Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star. Approved 10/10/2018

Main Planning Considerations

Evidence Base

In terms of evidence, the application submission was accompanied by a Planning Statement and associated Appendices which detailed the date the works were commenced along with a summary of what works were carried out. The Planning Statement also addresses the discharge of pre commencement conditions which were required prior to commencing the works.

Permission 41LPA1041/FR/TR/CC was granted on the 10/10/2018 and therefore in accordance with condition (01) of that consent, a material start would be required to have been made before the 10/10/2023. The planning statement notes that works on site commenced on the 18/02/2020. The department are not in possession of any evidence which contradicts this information.

Works deemed as a material start is defined under Section 56(4) of the Town and Country Planning Act 1990. The Act states as below;

“any work or construction in the course of the erection of a building; any work of demolition of a building; the digging of a trench which is to contain foundations, or part of the foundations, of a building; the laying of any underground main or pipes to the foundations, or part of the foundations, or a building or to any such trench as mentioned above; any operation in the course of laying out or constructing a road or part of a road, or any change in use of any land which constitutes material development”.

Application 41LPA1041/FR/TR/CC included the creation of a new access and was included within the application description. The evidence provided includes photographs of the new access along with confirmation that these works were included within those commenced on the 18/02/2020. The department would again note that they are not aware of or in possession of any evidence which contravenes this.

The original consent included a number of conditions which required to be discharged prior to commencing works on site. Conditions (04), (12), (14), (15) and (16) were discharged, however it is noted that conditions (11)(Construction traffic management plan) and (17)(Archaeology works report) were not discharged prior to commencing the works. Application VAR/2025/42 has been submitted in retrospect to provide the information required by these conditions and in effect regularise the development. The information provided was considered acceptable by the relevant consultees and it was additionally stated by the Legal Advisor that the conditions did not go to the heart of the consent.

The department took legal advice on the application which confirmed that the works carried out were sufficient to secure the consent and thus the Lawful Use Certificate may be granted.

Conclusion

The application provided sufficient evidence to prove that the works carried out were completed within the relevant time frames stipulated under the previous consent and were in accordance with the approved plans. As such, the department are satisfied that the burden of proof has been discharged and thus a Certificate of Lawful Use may be granted and the consent is considered to be safeguarded in perpetuity.

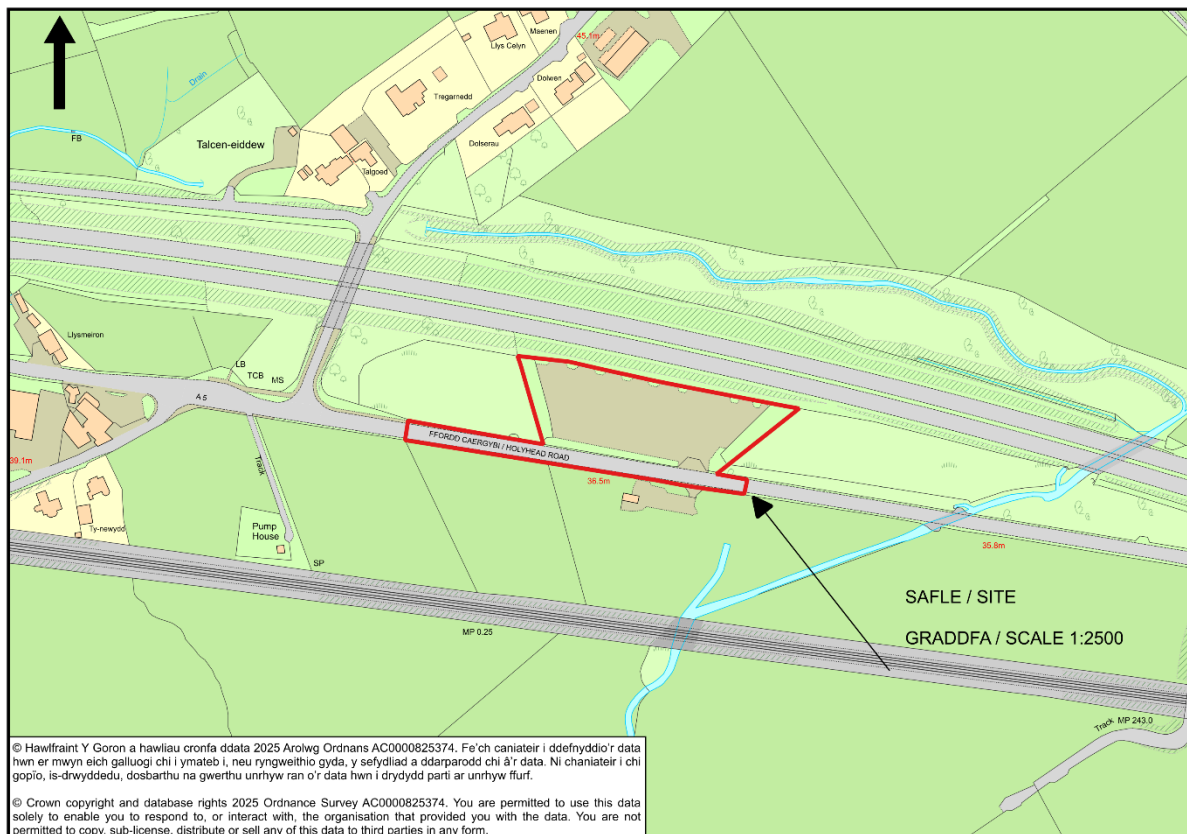
Recommendation

To grant the Certificate of Lawful Use.

Application Reference: VAR/2025/42**Applicant:** Cyfarwyddwr Tai ac Eiddo

Description: Application under Section 73 for the variation of condition (11) (CTMP) a (17) (Detailed Report on Archaeology Work) of planning permission reference 41LPA1041/FR/TR/CC (Creation of Gypsie and Traveller site) so as to enable the CTMP to be submitted following the commencement of development and to enable the archaeology report to be submitted within a different timescale at

Site Address: Cyffordd Star Crossroad, Star.

**Report of Head of Regulation and Economic Development Service (Sion Hughes)****Recommendation:** ermit**Reason for Reporting to Committee**

The application is reported to the planning committee as it is made by the Local Authority on Local Authority owned land.

Proposal and Site

The site is located in the open countryside of the Star area with access afforded via the A5 highway, which lies to the South of the site and defines its Southern boundary. The site is sandwiched between the

A5 and A55 highways, with the latter forming the Northern boundary of the site. The remaining boundaries are shared with agricultural land. The site currently consists of a hardcore surface along with a widened vehicular access, with these works having been done in association with permission 41LPA1041/FR/TR/CC.

The application is made under S73 in order to provide the details reserved by condition following the commencement of the development.

Key Issues

The key issue of the application is the acceptability of the information provided to the specialist consultees who originally requested the pre commencement conditions be imposed on the consent.

Policies

Joint Local Development Plan

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Policy TRA 4: Managing Transport Impacts
Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 4: Design and Landscaping
Policy AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character
Policy TAI 8: Appropriate Housing Mix
Policy TAI 19: New Permanent or Transit Pitches or Temporary Stopping Places for Gypsies and Travellers

Planning Policy Wales (Edition 12, February 2024)

Technical Advice Note 5: Nature Conservation and Planning (2009)
Technical Advice Note 12: Design (2016)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 24: The Historic Environment (2017)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 20: Planning and the Welsh Language (2017)

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

Response to Consultation and Publicity

Consultee	Response
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection to contents of Construction Traffic Management Plan.
Cynghorydd Sonia Williams	No response.
Cynghorydd Robin Wyn Williams	No response.
Cynghorydd Dyfed Wyn Jones	No response.

Cyngor Cymuned Penmynydd a Star Community Council	No response.
GCAG / GAPS	Satisfied with contents of Archology works report and that variation may be granted.

Publicity was afforded to the scheme via the posting of personal letters to occupiers of neighbouring properties, with the latest date for representations to be made being the 03/10/2025. At the time of writing this report,, no representations had been received from the public.

Relevant Planning History

DIS/2019/18 - Application to discharge condition (04) (statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/19 - Application to discharge condition (15) (updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/20 - Application to discharge condition (14) (method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted) from planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/21 - Application to discharge condition (16) (specification for a programme of archaeological work) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

DIS/2019/28 - Application to discharge condition (12) (supporting design calculations for the attenuated surface water drainage system) of planning permission 41LPA1041/FR/TR/CC full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star Condition Discharged 04/04/2019

41LPA1041/FR/TR/CC - Full application for the change of use of agricultural land for use as a temporary stopping place (10 spaces) for Gypsies and Travellers, formation of a new vehicular access, the formation of a new pedestrian access and pavement together with associated development on land East of Star Crossroad, Star. Approved 10/10/2018

Main Planning Considerations

Condition (11) - Construction Traffic Management Plan

Condition (11) of 41LPA1041/FR/TR/CC reads as below;

(11) The applicant shall submit a full comprehensive and robust Construction Phase Traffic Management Scheme including:-

The parking of vehicles for site operatives and visitors

Loading and unloading of plant and materials

Storage of plant and materials used in constructing the development

Wheel washing facilities (if appropriate)

Hours and days of operation;

and Management and operation of construction and delivery vehicles.

This Construction Phase Traffic Management Scheme shall be approved in writing by the planning authority, in consultation with the Highways Authority prior to the commencement of development works on site.

Reason: In the interests of pedestrian and vehicular safety and in the interests of the proper traffic management of the site during construction.

The application submission included a construction traffic management plan as set out above and was considered by the Local Authority Highways department. The Highways department had no objections to the construction traffic management plan and as such the condition may be varied accordingly.

Condition (17) - Archaeology Works Report

Condition (17) of 41LPA1041/FR/TR/CC reads as below;

(17) A detailed report on the archaeological work, as required by condition (16), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.

Reason: In order to safeguard local archaeological Interests

The application submission included the report specified by the condition above and was assessed by Heneb. In response, it was noted the archaeological work was completed satisfactorily, although little of interest was recorded on the site. The delayed submission in this case had no material impact on fulfilling the public interest in making the results available and as such Heneb were satisfied that the requested variation could be approved.

Conclusion

The requested variations were considered by the relevant specialist consultees who requested the conditions originally. Neither consultee objected to the proposed variations and had no concerns with the information which was provided. The variations would not materially alter the scheme nor would it alter the proposals compliance with policies which were considered as part of the original scheme by the Planning Committee. Due to the above, the Planning see no valid or material Planning reason to resist the proposed variation.

Recommendation

That the application is permitted subject to the following conditions:

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

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

{02) The development hereby permitted shall be carried out in accordance with the following approved plans:

**AGS-CAP-ELS-01-DR- L-1001 Revision P01;
AGS-CAP-ELS-01-DR- L-1003 Revision P01;
AGS-CAP-HSC-01-DR-C-0201 Revision P01;
AGS-CAP-HFE-01-DR- C-0301 Revision P01;
AGS-CAP-HFE-01-DR- C-0302 Revision P01;
AGS-CAP-HDG-01-DR- C-0501 Revision P03;
AGS-CAP-HGT-01-DR-C-0601 Revision P01;
AGS-CAP-HLG- 01-DR-C-1301 Revision P01; and AGS-CAP-HML-01-DR-C-0001 Revision P01**

unless otherwise required to be approved under the terms of this permission and as thence permitted.

Reason: For the avoidance of doubt.

(03) Notwithstanding the submitted information, hereby approved, no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and that it should be discharged to the Afon Braint, unless otherwise agreed in writing with the planning authority, in consultation with Welsh Water.

Reason: To ensure the proper drainage of the site and to protect the integrity of the public sewerage network.

(04) Notwithstanding the submitted information, hereby approved, the applicant shall provide a statement and accompanying plan which demonstrates a clear and robust method that mitigates the potential risk of vehicles waiting on the public highway for someone to come to open the gates. This statement and plan shall be submitted to the planning authority and receive approval, prior to the commencement of development on site.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

Discharged under application DIS/2019/18

(05) The proposed pedestrian link, hereby approved, shall be constructed and in place prior to the occupation of the site and shall remain in place at all times thereafter.

Reason: In the interests of pedestrian and vehicular safety.

(06) The access shall be laid out and constructed strictly in accordance with the submitted plan, drawing No "AGS-CAP-HDG-01-DR-C0501 rev. P03" 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: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

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

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(08) The access shall be constructed with 2.4 metre by 215 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

Reason: To prevent detrimental impacts on the safe operation of the public highway and in the interests of pedestrian and vehicular safety.

(09) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and in perfect working order before the use hereby permitted is commenced.

Reason: To prevent surface water shedding onto the carriageway.

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

Reason: In the interests of the residential amenity for occupants and internal site safety.

(11) The applicant shall submit a full comprehensive and robust Construction Phase Traffic Management Scheme including:-

**The parking of vehicles for site operatives and visitors
Loading and unloading of plant and materials Storage of plant and materials used in constructing the development
Wheel washing facilities (if appropriate) Hours and days of operation; and
Management and operation of construction and delivery vehicles.**

This Construction Phase Traffic Management Scheme shall be approved in writing by the planning authority, in consultation with the Highways Authority prior to the commencement of development works on site.

Reason: In the interests of pedestrian and vehicular safety and in the interests of the proper traffic management of the site during construction.

Discharged under application VAR/2025/42

(12) The applicant shall submit supporting design calculations for the attenuated surface water drainage system. This information shall be approved in writing by the planning authority prior to the commencement of development works on site.

Reason: In the interests of the proper drainage of the site.

Discharged under application DIS/2019/28

(13) Notwithstanding the approved information, any trees, plants or hedgerows, which are included within the development for the express purpose of providing visual screening, which die shall be replaced on a like for like basis, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual and residential amenity.

(14) The applicant shall submit a method statement setting out that all recommendations described in section 7 of the submitted Ecological Assessment report are adhered to and adopted. This method statement shall be approved in writing by the planning authority prior to the commencement of development on site.

Reason: In order to preserve and protect the ecological interests of the development site.

Discharged under application DIS/2019/20

(15) Notwithstanding the submitted information hereby approved, the applicant shall provide updated plans which indicate firmly defined area(s) of new planting for both hedges and grassland. Furthermore the areas of proposed evergreen hedge be instead planted with holly and/or beech as a broadleaved alternative closer to native ecology considerations. This plan shall be approved in writing by the planning authority, prior to any development works on site relating to the implementation of the planting scheme.

Reason: In order to enhance the ecological interests of the site and safeguard visual and residential amenity.

Discharged under application DIS/2019/19

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

Reason: In order to safeguard local archaeological interests.

Discharged under application DIS/2019/21

(17) A detailed report on the archaeological work, as required by condition (16), shall be submitted to and approved in writing by the planning authority within six months of the completion of the archaeological fieldwork.

Reason: In order to safeguard local archaeological interests.

Discharged under application VAR/2025/42

Informatives:

(01) The applicant is advised that consideration should be given at construction stage to facilitate the retro-fitting of CCTV, should future site issues emerge.

(02) The applicant is recommended to engage with North Wales Police on the preparation of any future amendments or further detail to the Site Management Plan.

(03) The applicant is advised that any development that would contravene the protection afforded to bats or Great Crested Newts under the Conservation of Habitats and Species Regulations 2010 (as amended) would require a derogation licence from Natural Resource Wales. Furthermore, a licence may only be authorised if:

There is no satisfactory alternative.

The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range; and

The development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(04) The applicant is recommended to contact Natural Resource Wales about how the guidance contained within Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2 and 3), March 2010 can be adopted in relation to this development.

(05) The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

(06) Any adjustments, re-siting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

(07) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(08) The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

(09) If he/she chooses to carry out the work himself/, the Applicant should be advised to apply in writing to the Head of Service of Highways, Transportation and Property for the necessary consent, as required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.

(10) It is a requirement under law to serve an abnormal load notice to the police and to Highway and Bridges Authorities under "The Motor Vehicle {Authorisation of Special Types} General Order 2003".

(11) The Highways Authority will be utilising Section 59 of the Highways Act 1980 "Recovery of expenses due to extraordinary traffic", to recover compensation for any damage done to the public highway as a result of this development.

(12) The culverting of the land drainage ditch to provide for the vehicular access, will require a consent from this Authority under Section 23 of the Land Drainage Act 1991.

(13) The applicant is advised that in order to achieve surface water discharge to the Afon Braint, a Flood Risk Activity Permit may be required from Natural Resource Wales.

(14) Construction waste should only be disposed of to sites which can prove that they are registered as exempt, or licensed under the Environmental Permitting Regulations. There is a legal requirement {Duty of Care requirements of Section 34 the Environmental Protection Act 1990} on the site owner, contractor etc. to ensure that the re-use or disposal of this waste is appropriate and complies with the Environmental Permitting Regulations. Under the Duty of Care requirements, appropriate Waste Transfer Notes must be produced and kept. Any waste which is imported as part of the construction is also subject to Environmental Permitting Regulations 2010. The applicant should ensure they have appropriate exemptions/permits in place for the waste activities.

(15) Pollution prevention methods should be in place for any work taking place at the eastern side of the site within close proximity to the Afon Braint. The applicant should be aware of the contents of the latest Pollution Prevention Guideline with regards to working near water i.e. GPP5 via the NetRegs website.

(16) Care should be taken with all work involving concrete so as not to pollute watercourses. Any water that meets wet concrete must be treated as contaminated and must not be allowed to discharge into any watercourse. Should pollution occur, Natural Resources Wales should be notified immediately on 03000 653000.

(17) All fuel, oil and chemicals used on site should be stored away in a locked store which is bunded to 110% capacity of the total volume

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.