

Planning Committee: 07/09/2016

Report of Head of Planning Service (GJ)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application is submitted to the committee as an application which is contrary to the adopted Ynys Mon Local Plan but that can be supported under the Stopped Unitary Development Plan.

1. Proposal and Site

The application is a full application for the erection of a single storey dwelling and garage on land at Dafarn Drip, Cerrigman.

The application site is a parcel of land adjoining Dafarn Drip in the village of Cerrigman between Amlwch and Penysarn.

2. Key Issue(s)

The key issues are whether the proposal is acceptable in terms of policy, the effect on the amenities of neighboring properties, and whether the design of the proposed dwelling reflects the character of the surrounding area.

3. Main Policies

Ynys Mon Local Plan

Policy 1 - General Policy

Policy 31 - Landscape

Policy 42 - Design

Policy 48 - Housing Development

Policy 53 - Housing the Countryside

Gwynedd Structure Plan

Policy A2 - Housing

Policy A3 - Housing

Policy D4 - Housing

Policy A6 - New Dwellings in the Open Countryside

Policy D4 - Location / Siting / Design

Policy D29 - Design

Stopped Unitary Development Plan

Policy GP1 - Development Control Guidance

Policy GP2 - Design

Policy HP2 - Housing Density

Policy HP5 - Countryside Hamlets and Clusters

4. Response to Consultation and Publicity

Local Member Richard Owain Jones – No response

Local Member Aled Morris Jones – No response

Local Member William Hughes – No response

Community Council – No response

Welsh Water – Comments

Highways – No response

Drainage – Comments

The application was afforded three means of publicity; these were by the placing of a site notice near the site and the distribution of personal letters of notification to the owner / occupiers of properties in the immediate locality. An advert was also placed in the local newspaper.

At the time of writing this report no letters had been received.

5. Relevant Planning History

24C261 – Outline application for the erection of a dwelling on land at Dafarn Drip, Penysarn – Approved 14/08/09

24C261A – Full application for the erection of a dwelling together with the construction of a vehicular access on land at Dafarn Drip, Penysarn – Approved 11/12/14.

6. Main Planning Considerations

Policy - The application is a departure from the Ynys Mon Local Plan but is identified as a Countryside Hamlet and Cluster area under Policy HP5 of the Stopped Unitary Development Plan.

Policy HP5 of the Stopped Unitary Development Plan states that single dwellings will be permitted on 'infill' sites, or other acceptable sites that are immediately adjacent to the developed part of the rural hamlet and cluster area providing the development will not harm the character of the group or any harmful visual intrusion into the surrounding landscape.

Siting, Design, External Appearance and Landscaping and Amenity Considerations -

Policy 1, 42 and 48 of the Ynys Mon Local Plan, D4 and D29 of the Gwynedd Structure Plan, Planning Policy Wales Edition 8 and Technical Advice Note 12 (Wales): Design, Supplementary Planning Guidance A Design Guide for the Urban and Rural Environment, GP1 and GP2 of the Stopped Unitary Development Plan are material in respect of siting, design and external appearance and landscaping and the development is considered to accord with these policy provisions.

It is not considered that the proposals will unacceptably affect the residential amenities of adjacent residential properties by virtue of overlooking, unacceptably affect the outlook or overshadow adjacent residential properties because of the distance of the proposed dwelling from existing properties. The proposal complies with the distances which are set in the Supplementary Planning Guidance on Proximity of development.

The application site has an extent planning permission for the erection of a single storey dwelling under application number 24C261A approved on the 11/12/14.

Affect on amenities of surrounding properties –

It is not considered that the proposal will harm the amenities of the occupants of neighbouring properties.

7. Conclusion

It is considered that the application complies with the criteria Policy HP5 of the Stopped Unitary Development Plan.

8. Recommendation

To **permit** the development subject to 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) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).

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

(03) The prior agreement of the Local Planning Authority in writing shall be obtained before any trees or hedges on the site or on the boundaries of the site are lopped, topped or felled, and if any such trees or hedges are felled they shall be replaced to the satisfaction of the Local Planning Authority.

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

(04) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted under planning application reference 24C261B:

Proposed Plans and Elevations	SHA-183-01	11/07/16
Site Location Plan	SHA-183-03	11/07/16
Site Layout and Location Plan	SHA-183-02A	08/08/16

Reason: For the avoidance of doubt.

In addition the Head of Service be authorised to add to, remove or amend 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.

9. Other Relevant Policies

Supplementary Planning Guidance: Design in the Urban and Rural Built Environment

Planning Policy Wales (Edition 8)

Planning Committee: 07/09/2016

Report of Head of Planning Service (SCR)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is presented to the Committee as an application which is contrary to the adopted Ynys Mon Local Plan but that can be supported under the Stopped Unitary Development Plan.

1. Proposal and Site

The application site is located in Penlon in Newborough. The site is located between two properties and there is a dwellings on the opposite side of the road. The dwellings are predominantly single storey or dormer style properties. The site lies within the designated Area of Outstanding Natural Beauty.

The proposal is an outline application with all matters reserved for future consideration.

2. Key Issue(s)

The key issue is whether the proposal is acceptable in terms of policy, design and impact on the locality and amenities of nearby residential properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 30 - Landscape

Policy 48 – Housing Development Criteria

Policy 53 – Housing in the Countryside.

Gwynedd Structure Plan

Policy A2 – Housing Land

Policy A3 – New Housing Development

Policy A6 – New Dwellings in the Open Countryside

Policy D1 – Area of Outstanding Natural Beauty

Policy D4 – Location, Siting and Design.

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP5 – Countryside Hamlets and Clusters

Policy EN2 – Area of Outstanding Natural Beauty

Planning Policy Wales, 2016, 8th Edition

Supplementary Planning Guidance: Design Guide for the Rural and Urban Environment.

4. Response to Consultation and Publicity

Community Council – No response at the time of writing this report.

Local Member, Cllr P Rogers – No response at the time of writing this report.

Local Member, Cllr A Griffith – No response at the time of writing this report.

Natural Resource Wales – Originally objected to the scheme as the development was to be served by a private treatment plant – the scheme has now been amended and will be connected to the mains sewer.

Welsh Water – No response at the time of writing this report

Highways – No response at the time of writing this report.

Drainage – Objected to the installation of a private treatment plant due to the proposal being located in an area served by a public sewer system. The scheme has now been amended and the proposal will be connected to the mains sewer and the Drainage Section have confirmed that the scheme is now acceptable.

The application was afforded three means of publicity these were; the posting of a site notice near the site and the serving of personal notifications on neighbouring properties representations and the publication of a notice in the local press. The latest date for the receipt of representations was the 10th August, 2016 and at the time of writing this report three letters of representation had been received at the department. The main issues raised can be summarised as follows:

- i) Site lies within the designated Area of Outstanding Natural Beauty and close to the Newborough Warren and would be visible from the A4080. Loss of land and degradation of landscape and loss of habitat for wildlife
- ii) Contrary to current policies
- iii) Drainage/flooding issues
- iv) Possible loss of sunlight / privacy and noise disturbance to adjoining properties
- v) Highway safety due to additional traffic generated by proposal
- vi) No details of the proposed dwelling have been provided
- vii) Planning Inspector refused planning for residential development on the adjoining land in 1993

In response to these issues I would comment as follows;

- i) No details of the proposed dwelling has been provided as part of the current application as all matters have been reserved for future consideration. However careful consideration of the design and of the materials to be used in its construction will ensure that the proposal will not have a detrimental impact on the designated Area of Outstanding Natural Beauty. Penlon has been identified as a Countryside Hamlet and Cluster under Policy HP5 of the stopped Unitary Development Plan and is considered as an acceptable infill plot. A condition will be imposed on the permission restricting the

removal of the vegetation outside the nesting bird season.

ii) This matter has been addressed within the principle of development section below.

iii) Copies of the objection letters have been forwarded to the Drainage Section, Welsh Water and Natural Resource Wales. Confirmation has been received from Natural Resource Wales that the site does not lie within zone B, C1 /C2, Flood Zone 2/3.

iv) The details submitted as part of the application illustrates that the dwelling will be more than 30 metres away from the adjoining properties known as Penparc, Pen Braint and Calidrew and this distance complies with the advice contained within the document Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment and therefore will not have a detrimental impact on the amenities of the surrounding properties.

v) At the time of writing this report no response had been received from the Highway Authority however it is not considered that the additional traffic generated by one additional dwelling will have a detrimental impact on Highway Safety.

vii) The application is an outline application and all matters have been reserved for future consideration. However due to the distances between the existing and proposed units it is not considered that any openings would have an impact on the amenities currently enjoyed by the occupants of the neighbouring properties. In order to ensure that the development will not have a detrimental impact on the surrounding area a condition will be imposed on the permission to restrict the height of the proposed unit.

vii) The proposal is being considered under current local and national policies and as stated previously Penlon has been identified as a Countryside Hamlet and Cluster. The site is located between two residential units and is therefore an 'infill' plot which complies with the requirements of Policy HP5 of the stopped Unitary Development Plan.

5. Relevant Planning History

45C467A/SCR – Screening opinion for the erection of one dwelling on land adjacent to Penparc, Newborough – EIA not required 26/07/2016

6. Main Planning Considerations

Principle of Development - The application site is considered as being in the countryside under the provisions of Policy 53 of the Ynys Mon Local Plan; however, it is identified as a Countryside Hamlet and Cluster under policy HP5 of the Stopped Unitary Development Plan.

The Stopped Unitary Development Plan remains a material planning consideration in view of the advanced stage reached in the Unitary Development Plan adoption process and since it has been subject to scrutiny at a Public Enquiry and supported in the Inspector's Report of 2004.

The application site is an 'infill site' which is immediately adjacent to the developed part of the rural hamlet as per the provision of Policy HP5.

The principle of the development is therefore acceptable under the provisions of Policy HP5 of the Stopped Unitary Development Plan and this is a material consideration of significant weight.

Design – The surrounding properties are of a mixture of single storey or dormer construction with a

mixture of modern and traditional design. Careful consideration during the course of determining any future application will ensure that the design of the dwelling is sympathetic to the surrounding area.

Affect on surrounding properties – The proposal complies with the guidance contained within the document titled Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment in terms of distances between existing and proposed dwellings.

Effect on surrounding landscape - The application site is located within an Area of Outstanding Natural Beauty (AONB). It is a statutory designation that recognizes its importance in landscape quality and nature conservation terms.

The primary objective for an AONB designation is the conservation and enhancement of their natural beauty. Local authorities have a statutory duty to have regard to AONB purposes and development control decisions affecting AONB's should in the first instance favour conservation of natural beauty.

As articulated above careful consideration during the design stage will ensure that the proposal is sympathetic to the surrounding area in order to reduce any impact on the surrounding landscape.

7. Conclusion

Whilst the proposal is contrary to policy 53 of the Ynys Mon Local Plan and policy A6 of the Gwynedd Structure Plan, the proposal is acceptable under the provision of policy HP5 of the Stopped Unitary Development Plan.

The erection of a dwelling in this location complies with current policies and the proposal will not have a detrimental impact on the amenities currently enjoyed by the occupants of the surrounding properties or have a visual impact on the designated Area of Outstanding Natural Beauty.

8. Recommendation

To **permit** the development subject to conditions.

(01) The approval of the Council shall be obtained before any development is commenced to the following reserved matters viz. the layout, scale, appearance of the building, means of access thereto and the landscaping of the site.

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

(02) Application for approval of the reserved matters hereinbefore referred to shall be made not later than the expiration of three years beginning with the date of this permission.

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

(03) The development to which this permission relates shall be begun not later than whichever is the later of the following dates namely: - (a) the expiration of five years from the date of this permission or (b) the expiration of two years from the final approval of the said reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

(04) No removal of the vegetation shall take place between the 1st March and 30th August in any year unless the site has been checked for the presence of nesting birds by a suitably qualified ecologist and certified as being free of nesting birds. Should nesting birds be found to be present, no development shall take place until the chicks have fledged.

Reason: To safeguard any nesting birds which may be present on the site.

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

Reason: In the interests of visual amenity.

(06) Full details of the existing and proposed ground levels and finished floor levels shall be submitted as part of any full or detailed application.

Reason: In the interests of amenity.

(07) The dwelling hereby approved shall be no higher than 6.0 metres.

Reason: In the interests of visual amenity.

(08) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: To comply with the requirements of the Highway Authority.

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

Reason: To comply with the requirements of the Highway Authority.

(10) The access shall be constructed with 2.4 metre by 43 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 comply with the requirements of the Highway Authority.

(11) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority.

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

Reason: To comply with the requirements of the Highway Authority.

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

Reason: To comply with the requirements of the Highway Authority.

(14) No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme including:

- i. The parking of vehicles for site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development

iv. Wheel washing facilities (if appropriate)

v. Hours and days of operation and the management and operation of construction and delivery vehicles.

The works shall be carried out strictly in accordance with the approved details.

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

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.

Reason: To comply with the requirements of the Highway Authority.

(15) The development permitted by this consent shall be carried out strictly in accordance with the plans, sections and elevations required to be approved by the local planning authority under the conditions imposed.

Reason: For the avoidance of doubt.

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.