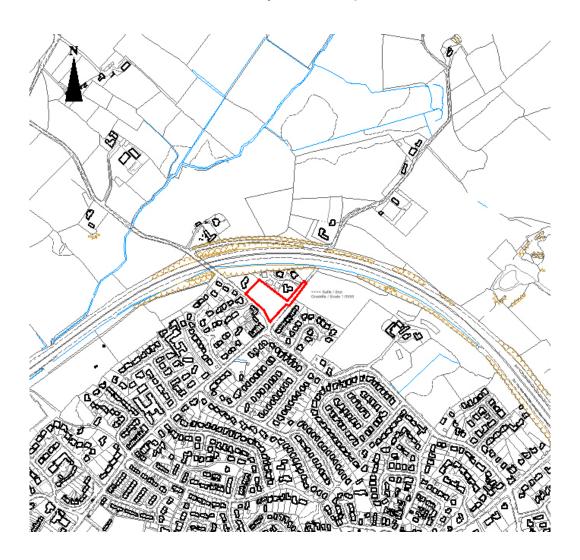
Rhif y Cais: 31C170E Application Number

Ymgeisydd Applicant

# **Rectory Developments Anglesey Ltd**

Cais llawn i godi 16 annedd (10 annedd gyda 2 ystafell wely, 4 annedd gyda 3 ystafell wely a 2 annedd gyda 4 ystafell wely) ynghyd a chreu mynedfa newydd i gerbydau ac i gerddwyr ar dir ger / Full application for the erection of 16 dwellings (10 dwellings with 2 bedrooms, 4 dwellings with 3 bedrooms and 2 dwellings with 4 bedrooms) together with the construction of a new vehicular and pedestrian access on land adjacent to

# Hen Lôn Dyfnia, Llanfairpwll



Planning Committee: 14/06/2017

Report of Head of Regulation and Economic Development Service (DPJ)

#### Recommendation:

Permit.

## Reason for reporting to committee:

The planning application is a departure from the development plan which the local planning authority are minded to approve.

The planning application has also been called in to the planning committee.

### 1. Proposal and Site

The site is located on the junction of Hen Lon Dyfnia with Ffordd Penmynydd and comprises a field enclosure. It is located outside but adjoining the development boundary of the village under the Ynys Mon Local Plan but within the boundary under the stopped UDP. Since determination of the last planning application it appears that a pair of semi-detached dwellings are nearing completion to the south west of the application site on the opposite side of Penmynydd Road.

The planning application comprises a resubmission of full planning application 31C170D for 17 dwellings which was dismissed at appeal on in November 2016, which is considered further in the planning history section of this report. This amended application is submitted for a reduced number of 16 dwellings arranged around the same central estate road off Lon Dyfnia. The scheme now comprises 10 2-bedroom dwellings, 4 3-bedroom dwellings and 2 3-bedroom bungalow and includes creation of a vehicular and pedestrian access onto Hen Lon Dyfnia (an access has been opened onto the site and some hard-core has been laid footings excavated on plot 3). The following amendments have been made to the proposed development as result of the dismissal of the appeal:

- Plot 4 is provided with a larger garden.
- Plots 5 & 6 have been changed to a single detached dwelling thus resulting in a reduction of one dwelling in the overall scheme.
- Former bungalow on plot 7 has been amended to a smaller footprint single detached house.

The scheme provides a public footway outside the proposed housing site with the public highway. Along Ffordd Penmynydd and Lôn Dyfnia which links with the footway provided within the estate.

Enforcement complaints have been received by the Council in relation to existing hedgerows being removed on the application site.

## 2. Key issue(s)

- The principle of developing the site has been accepted in the issuing of outline planning consent for 11 dwellings under reference 31C170A. The main issue is the acceptability of the proposed layout for 16 dwellings and highways and drainage issues.
- The appeal decision in relation planning application 31C170D for 17 dwellings is significant
  material consideration which should be weighted accordingly in the determination of this
  amended planning application.

### 3. Main Policies

### Ynys Mon Local Plan

Policy 1: General

Policy 26: Car Parking

Policy 31: Special Landscape Area

Policy 32: Landscape Policy 42: Design

Policy 48: Housing Development Criteria

Policy 49: Defined Settlements

Policy 53: Housing in the Countryside

## **Gwynedd Structure Plan**

Policy A1: Housing Land Availability

Policy A2: Housing Location

Policy A3: Scale and Phasing of Housing Policy A6: Dwellings in the Countryside

Policy A7: 5 Year Supply Policy A9: Affordable Housing

Policy D4: Location, Siting and Design

Policy D28: Natural Slate Policy D29: Standard of Design

Policy D32: Landscaping

Policy FF12: Car Parking Standards

# **Stopped Unitary Development Plan**

Policy GP1: Development Control Guidance.

Policy GP2: Design

Policy EN1: Landscape Character Policy TR3: Highway Design Policy TR10: Parking Standards Policy HP1: 5 Year Supply

Policy HP1: 5 Year Supply
Policy HP2: Housing Density

Policy HP3: Main and Secondary Centres

Policy HP7: Affordable Housing - Housing Need

Policy SG2: Development and Flood Risk

Policy SG6: Surface Water Run Off

## Emerging Joint Local Development Plan Anglesey and Gwynedd (2011 – 2026)

PS1: Welsh Language & Culture

PS2: Infrastructure and Developer Contributions

ISA1: Infrastructure Provision

ISA5: Provision of Open Spaces within New Housing Developments

TRA2: Parking Standards

TRA4: Managing Transport Impacts PS5: Sustainable Development PCYFF1: Development Criteria PCYFF2: Design and Place Shaping PCYFF3: Design and Landscaping

PCYFF5: Water Conservation

PS13: Housing Provision

TAI1: Appropriate Housing Mix

TAI9: Affordable Housing Thresholds & Distribution

TAI15: Housing in Local Service Centres Proposal T37 Land near Penmynydd Road

PS16: Conserving and Enhancing the Natural Environment

### **Supplementary Planning Guidance "SPG"**

Design Guide in the Urban and Rural Built Environment

SPG Affordable Housing

SPG Parking Standards

SPG Planning and the Welsh Language

SPG Planning Obligations

# **Planning Policy Wales Edition 9**

TAN 2: Planning and Affordable Housing

TAN 12: Design

TAN 15: Development and Flood Risk

**TAN18 Transport** 

TAN 20: Planning and the Welsh Language

## 4. Response to Consultation and Publicity

Cllr Robin Wyn Williams: Refer to committee.

**CIIr A Mummery**: Refer to committee and in addition indicates that he intends to request a site visit as new members of the planning committee will not be familiar with the site.

**Clir Meirion Jones**: Refer to committee and it is considered essential for the planning committee to undertake a site visit. These are my comments presently:

- 1. This application is the latest in a series on this site and I would refer to my comments on previous applications and the appeal.
- 2. I consider that we should remember fundamental principles on planning as indicated in PPW, "1.2.1 The planning system manages the development and use of land in the public interest,...", yes the public not individual interest.
- 3. I reiterate my observation to the agent for the application in the pre application consultation "I am very disappointed that the developer has not accepted the spirit of the of conclusion of the previous application and appeal and does not respect local people's standpoint that they do not want as many proposed dwellings on the site. The change to the planning application is very small, erroneous and impudent.
- 4. As stated by the Inspector in the appeal in paragraphs 23 & 24, although his concerns are primarily with plots 1 to 7 the scheme needs to be considered in its entirety, and in that not sufficient. He goes on to describe the overdevelopment.
- 5. It is stated in the Design and Access Statement "DAS" para. 1.5 that the appeal failed and that this resubmission is intended to address concerns raised by the Inspector. I do not consider that the applicant has achieved this. An example of the failure can be seen in paragraph 16 of the Inspector's decision (page 30 of the DAS) he refers to matters that would be disadvantageous to amenities a refers to plot 7 (the new plot 6) because the building is single storey (bungalow). In the current application para 2.67 third point it is referred "Former bungalow on Plot 7 changed to a detached house (plot 6).
- 6. You have received objections and many of the resident s who live nearby have expressed doubts regarding the application including:
- 6.1 Overdevelopment The developer has permission to construct 11 units which is accepted by the community as realistic, 16/17 is excessive.
- 6.2 Flooding and standing water there are several factors.
- 6.3 Footpath on the outside of the site with Penmynydd Road to include 4 poles (BT, SPEN and street lamp) -this is unacceptable.
- 6.4 Highway safety.
- 6.5 The developers actions indicate that he is not complying with regulations such as removing a hedge/clawdd without permission.
- 6.6 Llanfairpwll primary school is more or less full.

Community Council: No comments received at the time of writing.

**Highways:** No comments received at the time of writing.

**Drainage:** No comments received at the time of writing.

Welsh Water: No comments received at the time of writing.

Natural Resources Wales "NRW": No comments received at the time of writing.

Housing Service: No comments received at the time of writing.

Joint Planning Policy Unit: No comments received at the time of writing.

Education Service: No comments received at the time of writing.

Welsh Government Highways: No comments received at the time of writing.

Scottish Power: No comments received at the time of writing.

**Public response**: 5 letters of objection have been received in response to the publicity undertaken. Objections are based on:

- Little has materially changed to that of the appeal that was dismissed.
- Density excessive in the context of the application site.
- Based on previous developments adjacent it is likely that many of the units will become privately rented and fall into disrepair, this is made more likely by increasing the number of units from 11 to 16
- Capacity of surface water drainage.
- Flooding.
- Use of gardens for flood storage
- Unauthorised hedgerow/"clawdd" removal has been undertaken on the site.
- Fence and gravel boards will be used to retain flood water, what provision will there be to maintain these boards and what if the residents decide to install a non-permeable surface such as a patio.
- Purchasers of the dwellings should be made aware of the likelihood of flooding in their gardens.
- Maintenance arrangements for the surface water system are queried including any liability on public bodies in adopting.
- The operators of the A55 should be consulted as surface water from the proposed development leads to a watercourse adjacent to the A55.
- Have the drainage issues on Hen Dyfina/Stad Wern Gethin been resolved?
- Retaining the BT, SPEN and lamp pole in the footpath will result in an obstruction; the writer indicates that they understood that minimum footpath widths applied.
- No comments from the utility providers or the highway authority in relation to services etc. in the footpath.
- Alleged that a highway warning sign has been removed from the public highway.
- It is not clear how the proposed development will meet local housing needs.
- The previously approved scheme for 11 units would be more appropriate in terms of density, flooding and amenity.
- Adequate car parking areas should be provided.
- During all stages of construction Council inspectors should ensure that regulations are complied with to ensure there is no transgression.
- Since the previous application a pair of semi-detached dwelling have been constructed in proximity and the construction process highlighted highway safety issues.

- Parking spaces are scare and for this reason the developer should be required to extend
  the pavement to the bridge over the A55 to avoid accidents double yellow lines should also
  following the bend in the road.
- Highways safety issues.
- Capacity of the local school.

# 5. Relevant Planning History

31C170: Application for residential development consisting of the erection of 24 affordable dwellings on part of OS 1426 Frondeg Terrace, Penmynydd Road, Llanfairpwll: Appeal against non-determination Dismissed 01/11/94.

31C170A: Outline application for residential development on OS 1426 Ffordd Penmynydd, Llanfairpwll: Approved 05/02/07

31C170B/DA: Detailed application for the erection of 11 dwellings – approved 09/02/2010

31C170C: Erection of a dwelling on OS 1429 – approved 30/11/10.

31C170D: Erection of 17 dwellings to include 12 no. 2 bedroom detached dwellings, 4 no. 3 bedroom semi-detached dwellings and 1 no. 3 bedroom bungalow, together with the construction of a new vehicular access and pedestrian access and the construction of an internal access road. Refused 01.06.16 and thereafter the appeal was dismissed 09.11.16.

## 6. Main Planning Considerations

#### Introduction

The planning application comprises a resubmission of planning application 31C170D which was refused in November 2016. The Inspectors decision letter is a significant material consideration in the determination of this amended planning application. The Inspector did not disagree with the Council that the principle of the development was acceptable and considered the main issues in the case to be:

- The effect of the proposal on the living conditions of existing residents and future occupants of the development.
- The effect of the development on surface water drainage, and whether or not any associated risk of flooding could be acceptably managed.

These issues are considered in detail in the relevant section of the report below.

## **Principle of Development**

The site is out-with but adjoins the development boundary of the village under the Ynys Mon Local Plan and this is why it has been advertised as a departure from policies A6 (Dwellings in the Countryside) of the Gwynedd Structure Plan and 53 (Houses in the Countryside) of the Ynys Mon Local Plan.

The application site is within the defined boundary of the Stopped Unitary Development Plan "UDP". The principle of development has also been accepted in the outline and reserved matters approvals for 11 dwellings on the site. Other housing units have since been built further outside the development boundary as defined by the Local Plan, but within the settlement boundary of the UDP.

In addition, Ynys Mon does not at present achieve a 5 year housing land supply. In terms of meeting this obligation, in relation to the submitted scheme. Policy HP2 of the UDP advocates an

average figure of 30 dwelling per hectare. The average is a figure that takes into account towns like Holyhead and Llangefni for example where very dense developments occur through to rural villages which are more spacious in layout and design. At 16 dwellings and 0.4 hectares the density of the proposed development is considered to accord with the policy requirement of HP2 and would contribute to the development of housing in a sustainable location on the edge of one of the largest villages on the Island and which is defined as a secondary centre under Policy HP3, in accordance with UDP policies which carry significant weight.

Little weight can be attributed to the provisions of the LDP in this instance but the site is within the settlement boundary and forms part of a larger residential allocation in this plan.

# Layout, density and design & Amenity Impacts

The Inspector dismissed the appeal in relation to planning application 31C170D on the grounds that proposed development would amount to overdevelopment of the site that it would be unacceptably harmful to the residential amenity of occupants of the proposed dwellings. This amended application is now made for 16 units with changes made to plots 4-7 taking into account the Inspectors decision as described in the introduction to this report. Objections received contend that proposed development still amounts to overdevelopment and that there is little material change in this resubmitted planning application.

In terms of compliance with the distances or proximity between developments set out in the SPG Design in the Urban and Rural Built Environment the Inspector at paragraph 16. of the appeal decision indicated that the development was broadly compliant further that existing and proposed residences would not have an unacceptable effect on each other's respective amenities.

The Inspector in paragraph 16. of his decision made clear that his assessment in the preceding paragraph was based on plot 7 being single storey dwelling, whereas a detached house is now proposed on this plot which is now renumbered as plot 6. It is therefore necessary to assess the acceptability of the two storey dwelling on this plot. The elevation details submitted with the planning application do not illustrate any habitable room windows in the rear elevation at first floor level (only a bathroom window). On this basis it is not considered that there will be unacceptable overlooking of the existing residential properties to the south west on the opposite side of Penmynydd Road. The footprint of the proposed dwelling is much reduced compared to the bungalow formerly proposed on the site and the distance from the existing residential property on the opposite side of Penmynydd Road is increased from around 13 meters to around 14 meters. The separation distances between main such main elevations in normal circumstances in the SPG Design Guide for the Urban & Rural Environment should normally be 21 meters and this applies to both bungalows and houses. Given that the existing properties are on the opposite side of the road, and that the proposed development comprises a betterment on the situation that the Planning Inspector found acceptable in the appeal decision the proposal is considered acceptable. The distances between the rear of plots 3 to 5 to the new properties nearing completion are also slightly deficient to that prescribed in the SPG but are again considered acceptable given the separation distances achieved and the fact that properties are on the opposite side.

At paragraph 18 of the Inspector's decision which considers the adequacy of the garden areas in the proposed development in relation to the SPG Design in the Urban and Rural Built Environment it is stated "...I do accept that the majority of the proposed dwellings would not be significantly deficient in terms of the provision of private amenity space as indicated in the SPG and therefore in broad terms are considered acceptable. However that cannot be said for all of the proposed dwellings; plots 4-7 fall well below that stipulated in the SPG." On the basis of this statement it is clear that the Inspectors concerns relate solely to plots 4-7. Representations received in relation to the current application indicate that on the basis of paragraph 23. and 24. of the decision letter that the Inspector's concerns relate to the size of amenity space in the whole development. It is your officers assessment that given the clear statement in paragraph 18. of the decision letter that this is not the case.

### **Highways Impacts**

In highway terms the proposal under consideration is the same as submitted under planning application 31C170D. The proposals include a 2m wide footway within the site fronting plots 3 to 7 inclusive adjoining a 5m wide estate road. The footway will continue along the frontage of the site on Hen Lon Dyfnia and along Ffordd Penmynydd along the site's boundary. Hen Lon Dyfnia will retain a carriageway width of 5m. The junctions are proposed to be realigned to give priority to traffic on Hen Lon Dyfnia with a junction on the corner of Lon Penmynydd. A pedestrian tactile crossing point is proposed to the south of the vehicular access to properties on Hen Lon Dyfnia. Objectors raise concerns regarding the scarcity of car parking spaces, that the developer should be required to extend the proposed pavement to the bridge over the A55 and other highway safety matters as detailed in the relevant section of this report.

The comments of the council's Highways Section are awaited at the time of writing but they were content with the scheme subject to the previous planning application and as the scheme remains substantially the same conditions recommended previously are reproduced in the recommendation below.

Objections received on highway grounds, which amongst other matters refer to telegraph poles remaining in the footway and highway warning sign being removed. These letter have been brought to the attention of the Highways Section and comments are awaited at the time of writing.

# **Drainage Impacts**

The proposed development provides on-site storage in the event of flooding with connection being provided to an attenuated soakaway system on nearby land (also serving the Cae Gethin site nearby) with an overflow to an existing land drain which thereafter leads to a watercourse adjacent to the A55. This drainage scheme remains the same as that proposed in planning application 31C170D which the Council's Drainage Officer and Natural Resources Wales considered acceptable. Objections have been received on the grounds of the adequacy of this drainage system, flooding, maintenance arrangements and it is indicated that operators of the A55 should be consulted.

The Inspector in the his decision letter considered the Council's reason for refusal on drainage grounds based on concerns that the proposed system would not operate effectively due to land levels, adequacy of percolation and the capacity of the system. The Inspector's decision letter concluded that subject to the submission of the detailed design that the proposed development would be effective in managing surface water drainage in relation to the proposed development and would not be unduly detrimental to existing/future residents with any risk of flooding being acceptably managed. Costs were awarded against the Council on the basis that this reason for refusal could not be substantiated. Welsh Government Highways have been consulted on the proposals and their comments are awaited at the time of writing.

Conditions are recommended below to ensure that the drainage system is maintained and retained including fencing arrangements associated with the scheme. Permitted development rights including the ability to lay additional hardstanding's have also been removed.

# **Affordable Housing and Schools Places**

The development as submitted triggers the need for 30 % affordable housing in accordance with current policies. This was also the position with regard to the previous to planning application 21C170D and was assessed in the committee report and in the subsequent Inspector's decision letter as material consideration.

A viability assessment has now been submitted with the planning application which details development costs and indicates that there will be deficit following the completion of the proposed development. The planning application is now submitted on the basis that 2 affordable housing units are being offered as part of the development (which equates to 12.5%) but that this is subject to no other financial contributions being sought in relation to for instance education, which is considered below. These details are now being assessed by the Council's Housing Services.

Concern has been expressed at the increased number of children likely to require schools places as a result of the proposed development, comments from the council's Lifelong Learning Service are awaited at the time of writing. These comments will need to be considered in association with the Council's assessment of the viability assessment as described in the preceding paragraph.

## **Welsh Language Impact**

The scheme is supported by a Welsh Language Statement which assesses the impact of the proposed development on the Welsh Language. In relation to planning application 31C170D and in the Inspector's report it was concluded that proposed development will not have any detrimental effect on the linguistic character of the area, but this was partly based on the fact that 30 % affordable housing was being provided in connection with the proposal. Affordable housing is now being provided at 12.5% and is currently being assessed by relevant officers in the council.

#### Other Issues

As explained in the introduction to this report complaints have been received regarding the removal of a hedgerow on the application site. The applicant intends to regularise the position by planting a replacement hedgerow in the near future. A condition has been recommended to be attached to any permission granted to this permission to stipulating that a native hedge.

#### 7. Conclusion

The principle of residential development has been accepted in the granting of the outline consent. The Inspectors decision letter in relation 31C170D is a significant material consideration in the determination of this amended planning application and as explained above it is considered that the amended planning application subject to this report addresses the Inspectors concerns relation to garden sizes in plots 4-7. It is also clear from the Inspector's decision that surface water drainage proposals in connection with the proposed development are acceptable.

A number of consultation responses remain outstanding but these are not anticipated to have changed since the last planning application 31C170D. Outstanding issues remain as regards the amount of contributions to be made as regards affordable housing and education, and a conclusion needs to be drawn in relation to the any effects of the development on Welsh language.

## 8. Recommendation

To **permit** the proposed development subject to the expiry of the publicity period on 21.06.17, receipt of consultation responses and conclusion of the Council's position in relation to affordable housing and educations contributions and impacts on the Welsh language:

(01) No further development on any other part of the development hereby approved shall commence until the highway works shown on Richard Broun Associates drawings 4035 03 revision E and 4035 05 revision F have been fully completed and made available for use and the access has been laid out and constructed strictly in accordance with the submitted plan and it shall thereafter be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In the interests of highway safety

(02) 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: In the interests of amenity and to ensure adequate visibility.

(03) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 meter above the level of the adjoining county road carriageway along the whole length of the application site's boundary with the adjoining highway and nothing exceeding this height erected within 2m of the said wall/hedge/fence or any new boundary erected.

Reason: To ensure adequate visibility.

(04) 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 operational before the use hereby permitted is commenced.

Reason: in the interests of amenity.

(06) 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: in the interests of amenity.

(07) The approved surface water drainage scheme shown on Richard Broun Associates drawing 4035 03 revision E shall be completed and fully operational before any of the dwellings are occupied.

Reason: To ensure that the site is adequately drained.

(08) Notwithstanding condition 0 of the planning permission hereby approved, no further development shall commence until detailed designs and construction details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason To ensure a satisfactory drainage scheme for the site.

(09) No further development shall commence until a management and maintenance plan for the surface water drainage system and the estate road have been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed and be maintained in accordance with the management and maintenance plan approved under the provisions of this condition.

Reason: To ensure that the site is adequately drained and highway safety.

(10) No further development shall commence until a scheme for the provision of street lighting has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the dwellings are occupied.

Reason: In the interests of the amenity of the area and highway safety.

(11) No further development shall commence until full details of a scheme indicating all of the proposed means of enclosure around and within the application site "Boundary Scheme" has been submitted to and approved in writing by the local planning authority. The approved Boundary Scheme shall be completed before any of the dwellings are occupied

and thereafter retained in accordance with the approved Boundary Scheme approved under the provisions of this condition.

Reason: To ensure a satisfactory form of development, in the interests of neighbouring privacy and to accord with.

(12) No further development shall take place until a scheme of landscaping and tree planting for the site which provides for the retention of existing trees and the planting of an indigenous hedge along the north eastern boundary "Landscaping Scheme" has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall show the proposed planting, including species, size and density and distinguish those trees to be retained showing their species, spread and maturity together with measures for their protection in the course of development. The approved Landscaping Scheme shall be implemented no later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.

Reason In the interests of visual amenities of the locality.

(13) Any trees or shrub which forms part of the approved Landscaping Scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason In the interests of visual amenities of the locality.

(14) The provisions of Schedule 2, Part 1, Classes A, B, E and F of the the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the intrests of the amenities of the locality.

(15) No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall be constructed with the approved slab levels.

Reason: To ensure a satisfactory form of development.

(16) The development shall take place in accordance with the following drawings except as required to be approved under the condition imposed:

Drawing No	Drawing Name
4035 01 rev A	Location Plan & Existing Drainage
4035 03 rev E	Proposed Highway & Drainage Layout
AP072/3	Two Bedroom Semi Detached House Type
AP072/4	Three Bedroom Semi Detached House Type
AP072/5	Four Bedroom Detached House Type – Plot 5
AP072/6	Four Bedroom Detached House Type – Plot 6

Reason: To define the scope of this 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.