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Ceisiadau'n Tynnu'n Groes

Departure Applications

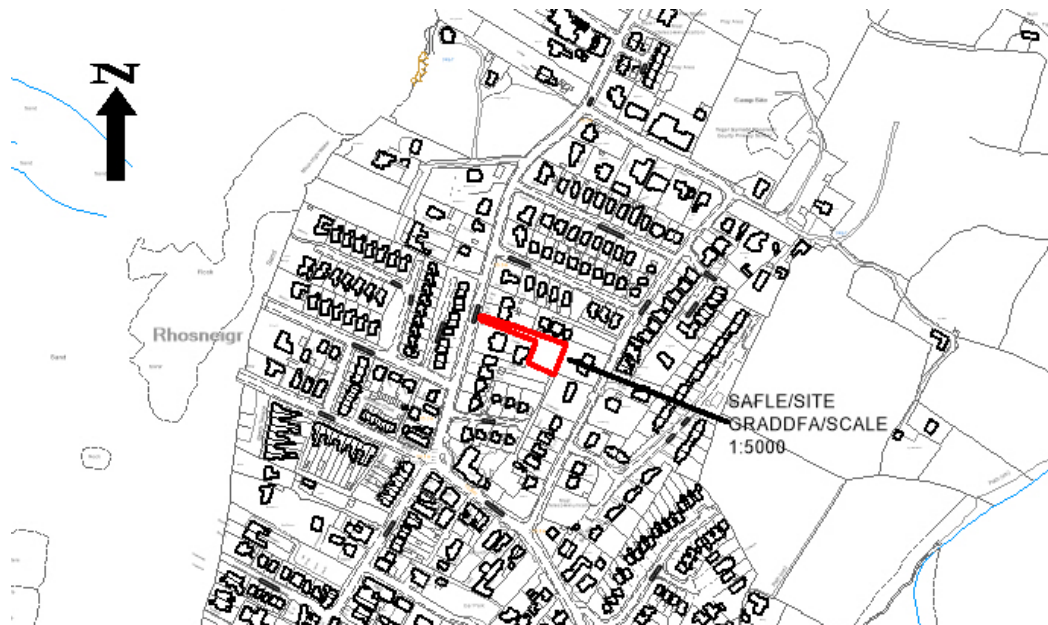
Rhif y Cais: **28C472E** Application Number

Ymgeisydd Applicant

**Mr Terry O Connor**

**Cais llawn ar gyfer codi 2 annedd (un sydd yn cynnwys balconi) ar dir ger / Full application for the erection of 2 dwellings (one which will include a balcony) on land adjacent to**

**Cartref, Ffordd Station Road, Rhosneigr**



**Planning Committee: 01/11/2017**

**Report of Head of Regulation and Economic Development Service (SCR)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve

**1. Proposal and Site**

The application is a full application for the erection of two detached dwellings. The proposal is an amended design to the scheme previously approved under planning application reference 28C472B.

The site previously formed part of the curtilage of the dwelling known as Cartref, however the site has been divided and the parcel of land which forms the current application site and the dwelling itself have been sold to different parties. The site is flanked on all sides by residential properties. There is no distinct character to the pattern of development in the locality as there is a mixture of dormer bungalows, two storey detached dwellings and three storey terraces in the immediate vicinity. The access to the site will be via the track that leads from Station Road and leads to Sandy Lane. The track serves the four neighbouring properties and is within the applicant's ownership.

The site lies within the development boundary of Rhosneigr

**2. Key Issue(s)**

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

**3. Main Policies**

**Joint Local Development Plan**

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI5 – Local Market Housing

TAI 15 – Affordable Housing Threshold and Distribution

**4. Response to Consultation and Publicity**

**Community Council** – No response to date

**Cllr. G O Jones** – No response to date

**Cllr R Dew** – No response to date

**Highway Authority** – Recommended conditional approval

**Drainage Section** – Drainage details acceptable

**MOD Safeguarding** – No objection

**Welsh Water** – Recommended conditional approval

## Response to Publicity

The application was afforded two means of publicity. These were by the posting of a notice near the site and the serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 4<sup>th</sup> October 2017 and at the time of writing this report, 5 letters of objection had been received at the department. The main issues raised can be summarised as follows;

- i) Loss of light, privacy and noise nuisance
- ii) Overdevelopment of the site
- iii) No need for additional dwellings in Rhosneigr and the dwellings will be used for holiday purposes
- iv) Cartref has been granted permission to extend the dwelling and the owner intends to implement the permission and Block B has been moved closer to Cartref

In response to these issues I would respond as follows;

- i) The site has the benefit of planning permission for the erection of two dwellings on the site. The proposed dwellings will be located 1.4 and 0.6 metres closer to the immediate neighbouring properties known as Ty Brenin and Crud y Don Cottage which are located to the west and east of the proposed units respectively.

The guidance contained within Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment (SPG) recommends that the distances between secondary aspects is 15 metres and the distances between the side of the proposed dwelling (plot b) and the rear of Ty Brenin is 16.6 and the distances comply with the guidance.

There is a distance of 4.1 metres between the gable of the proposed unit and the side of the dwelling known as Crud y Don Cottage. There are no windows in the existing side elevation of Crud y Don Cottage, also there is a 1.4 m high stone wall situated along the boundary between Crud y Don Cottage and the proposed dwelling (plot A). One window is proposed in the side elevation being a bathroom window. The recommended distances between side elevations is 3.5 metres and the proposal as submitted complies with these distances. Due to the existing screening on the site the proposal will not harm the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application.

The erection of two dwellings will not generate a noise nuisance to the neighbouring properties.

- ii) and iii) As stated above the site has the benefit of planning permission. The scale of the approved dwellings were 9.7 x 10.6 x 8.35 at highest. The proposed dwellings measure 9.3 x 10.5 x 7.1 (plot A) and 9.2 x 11.9 x 7.1 (plot B) at their highest. The volume of the previously approved and proposed dwellings are therefore similar in scale.

- iv) Whilst dealing with the original planning applications the site was within the ownership of the owner of Cartref. Since the granting of the previous planning permissions Cartref and the plot of land which forms the current application have been sold separately. Whilst plot B has been moved closer to the rear of Cartref the proposed unit has no openings in the front elevation and therefore the proposal will have less of an impact by way of overlooking than the scheme previously approved.

## 5. Relevant Planning History

28C472 - Full application for the erection of a dwelling on land at Cartref, Station Road, Rhosneigr - Approved 31/05/2012.

28C472A/DIS - Application to discharge conditions (08) and (09) of planning permission reference 28C472 on land at Cartref, Station Road, Rhosneigr – Condition Discharged 08/10/2013

28C472B - Full application for the erection of two dwellings on land at Cartref, Station Road, Rhosneigr - Approved 10/09/2015.

28C472C - Full application for alterations and extensions at Cartref, Station Road, Rhosneigr - Approved 19/01/2016.

28C472D - Full application for conversion of the existing garage into an office \ annexe ancillary to the main dwelling at Cartref, Station Road, Rhosneigr - Returned to applicant 13/01/2016.

## **6. Main Planning Considerations**

**Policy Context** - The principle of the erection of two dwellings on the site has been established under planning application 28C472B. Full permission was approved on the 10/09/2015 for the erection of two dwellings.

**Joint Local Development Plan** - Rhosneigr is identified as a Local Service Centre where only Local Market Housing can be supported under Policy TAI 5. In order to control the value of market unit the size of the proposed units are controlled. By managing the maximum size of local market units, the value of these units will be more compatible with the policy objective of sustaining the defined communities.

Developments for the erection of two or more houses trigger the need for affordable housing and in the settlement of Rhosneigr the percentage of affordable units required would be 30%.

The application currently under consideration does not comply with Policy TAI 5 or TAI 15 of the Joint Local Development Plan; however, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 28C472E was approved on the 10/09/15 and the likelihood of it being implemented is very likely, as the permission will not expire until 09/09/2020.

The application currently under consideration involves the erection of two detached dwellings the height of the previously approved was 8.35 m and the height of the proposed dwellings are 7m, being 1.3 metres lower than the two dwellings previously approved. There are no openings proposed in the front elevations which directly look onto the rear of Cartref. The materials proposed to be used in the construction of the dwellings are similar to what can be found in the locality.

As stated above there is a distance of 4.1 metres between the gable of the proposed unit and the side of the dwelling known as Crud y Don Cottage Whilst the gable of the approved dwelling had a sloping roof the proposal currently under consideration has the roof pitch on its side elevation. Due to the screening along the boundary of the site and the fact that no openings are proposed in the first floor side elevations it is not considered that the proposal will harm the amenities currently enjoyed by the occupants of Crud y Don Cottage.

Although the gable of plot B will be located 1.4 metres closer to the rear of the property known as Ty Brenin than that previously approved the dwelling will be situated 16.6 metres away from the rear of Ty Brenin. As stated previously the SPG recommends a distance of 15 m between secondary aspects. Whilst the height of the building has been reduced by 1.3 metres the gable of the proposed dwelling is a full gable wall and not a sloping roof gable. However the proposal lies 16.4 metres away from the rear of Ty Brenin and due to these distances the proposal will not harm the amenities currently enjoyed by the occupants of Ty Brenin.

The height of the proposed dwellings are similar to that of Ty Brenin and will only be 1.2 metres higher than Crud y Don Cottage. Although the proposed dwellings are situated 0.6 and 1.3 metres closer to the neighbouring properties and the elevations that front these properties are now full gable walls and not of a sloping nature (as that approved under 28C472B) it is considered that the

reduction in the height of the proposed units will have an overall lesser impact than the approved scheme.

As the current application reduces the height of the dwellings by 1.3 metres and as there will be no windows in the front elevation which look onto the rear of Cartref and no first floor windows proposed in the side elevations which look onto the side of Crud y Don Cottage and rear of Ty Brenin will reduce the impact of the development on the amenities currently enjoyed by the occupants of the neighbouring properties.

**Affect on neighbouring properties** – The concerns raised by members of the public have been addressed in the 'Response to Consultation and Publicity' Section above. The site is currently screened from the neighbouring properties with trees and shrubs that are located along the boundary of the site. As the proposed dwellings are to be located close to the boundary and works may damage the existing trees / shrubs a condition will be imposed on the permission requesting full details of the proposed screening along the whole boundary of the site.

The scale of the dwellings approved under reference 28C472B were 9.7 x 10.6 x 8.35 at highest. The proposed dwellings measure 9.3 x 10.5 x 7.1 (plot A) and 9.2 x 11.9 x 7.1 (plot B) at their highest. The volume of the previously approved and proposed dwellings are therefore similar in scale. The amendments proposed as part of the proposal will not harm the amenities currently enjoyed by the occupants of the neighbouring

The scheme includes the erection of a first floor balcony within plot B however as the balcony is recessed within the building the use of the balcony will not cause any overlooking to the immediate neighbouring properties.

There is a distance of between 7.7 and 8.1 metres between the rear of the proposed units and the boundary of the site with the rear garden area of the property known as Gwynfa. The rear garden of Gwynfa stretches along the rear of the whole application site. Guidance contained within the SPG states that the distances between ground floor secondary to the boundary should be 7.5 metres and when the proposal involves unconventional house designs such as flats, houses of more than two storey or houses with main living accommodation at first floor level this distances recommended should be increased by 3 metres. At its shortest point the proposal falls 2.8 metres short of the recommended distances however due to the existing screening along the rear of the site will obscure the garden area from the proposed dwellings and ensure that the proposal will not harm the amenities currently enjoyed by the occupants of the property.

The existing screening along the rear of the site will screen the garden area from the proposed dwellings and ensure that the proposal will not harm the amenities currently enjoyed by the occupants of the property.

## **7. Conclusion**

The application is contrary to Policy TAI 5 and TAI 15 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for a dwelling.

It is considered that the previous application 28C472B is likely to be implemented and the amendments are an improvement to that originally approved. A section 106 agreement will be required in order to precludes the implementation of the previous permission.

## **8. Recommendation**

### **Permit**

**(01) The development to which this permission relates shall be begun 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.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

**(04) 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 in the interests of road safety.

**(05) 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 in the interests of road safety.

**(06) 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.**

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

**(07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.**

Reason: In the interests of amenity.

**(08) Notwithstanding the details contained on drawing number 1242-102 (proposed site plan that was received on the 18/07/2017), screening shall be provided along the boundary of the site with the adjoining properties (known as Ty Brenin and Crud y Don Cottage) from point A to B and C to D as outlined in green on the attached plan (drawing ref 1242-102). Details of the proposed screening (including a timetable for their planting / erection) shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The approved screening shall be erected / planted prior to the occupation of the dwellings hereby approved. If the screening requires to be changed for whatever reason the replacement shall be of the same height and in the same position as the approved scheme.**

Reason: In the interests of residential amenity.

**(09) The existing screening along the boundary of the site and adjoining property known as Gwynfa, as outlined in pink on the attached drawing number 1242-102 shall be retained.**

Reason: In the interests of residential amenity.

**(10) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:**

<b>Drawing / Document number</b>	<b>Date Received</b>	<b>Plan Description</b>
1242 – 101	18/07/2017	Existing site plan
1242 - 100	18/07/2017	Location plan
1242 - 102	18/07/2017	Proposed site plan
1242 - 104	18/07/2017	Sections
1242 - 106	18/07/2017	Proposed elevations – plot A
1242 - 108	18/07/2017	Proposed elevations – plot B
1242 – 103	18/07/2017	Previously approved and proposed streetscene
1242 - 105	09/10/2017	Proposed floor plans – plot A
1242 - 107	09/10/2017	Proposed floor plans – plot B
Drainage details	14/09/2017	Drainage details
Drainage details	31/08/2017	Drainage details
Design and Access Statement	18/07/2017	Design and Access Statement

**under planning application reference 28C472E.**

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.