

**Application Reference: FPL/2019/201**

**Applicant:** Mr B. G. Roberts

**Description:** Cais llawn ar gyfer codi annedd ar dir ger / Full application for the erection of an dwelling on land adjacent to

**Site Address:** Tegfan, Llanynghenedl



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

**Recommendation:** Caniatáu / Permitted

**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.

**Proposal and Site**

This is a full application for the erection of a dwelling on land adjacent to Tegfan, Llanynghenedl.

**Key Issues**

The key issue is whether the proposal is an improvement to that originally approved under application reference V/999 approved 18/6/65. A certificate of lawfulness application was submitted under reference LUP/2019/5 and the development has been proved lawful on the 26/3/19.

## Policies

### Joint Local Development Plan

PCYFF2 – Development Criteria  
PCYFF3 – Design and Place Shaping  
TAI 6 – Housing in Clusters  
PS1 - Welsh Language and Culture  
PS17 - Settlement Strategy  
TAI 8 - Appropriate Housing Mix

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Y Fali / Valley Community Council	The dwelling should remain an affordable dwelling and not an open market dwelling.
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Y Fali / Valley Community Council	The dwelling should remain affordable and not an open market dwelling.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Adain Dechnegol (Draenio) / Technical Section (Drainage)	<p>As of January 7th 2019, all new developments of more than 1 property or where the construction area with drainage implications is 100m2 or more, will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.</p> <p>These systems must be approved by Isle of Anglesey County Council acting in its role as a SuDS Approving Body (SAB), before construction work begins. The SAB will have a duty to adopt compliant systems which serve more than one property so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.</p>
Dwr Cymru Welsh Water	Standard Advice
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Standard Policy Comments
Gwasanaeth Tai/Housing Services	Comments have been received on the requirement for affordable housing in the area.

Ymgynghorydd Tirwedd / Landscape Advisor	The site is adjacent to the AONB. We do not consider that it is within the visual setting of the AONB and would not affect natural beauty, AONB features and special qualities.
--	---

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 5/9/19. No letters have been received.

### **Relevant Planning History**

V999 – Use of land adjacent Tan y Fynwent, Llanynghenedl for the erection of 3 bungalows – Approved 18/6/65

LUP/2019/5 - Application for a Lawful Development Certificate for the proposed use for the erection of a dwelling together with the creation of a new vehicular access on land adjacent to Tegfan, Llanynghenedl – Lawful 26/3/19

FPL/2019/132 - Full application for the erection of a dwelling on land adjacent to Tegfan, Llanynghenedl – Withdrawn 17/6/19

### **Main Planning Considerations**

The principle of a dwelling has already been established by a lawful use certificate to prove that 2 of the 3 dwellings that were approved under planning application V/999 have been completed and thus implementing planning permission V/999. Therefore planning permission for a dwelling has been safeguarded on the application site.

### **Joint Local Development Plan**

Since the adoption of the Joint Local Development Plan, Llanynghenedl is identified as a Cluster under the provision of Policy TAI 6. The policy does not support the provision of open market housing. 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 V/999 was approved in 1965 for 3 dwellings, 2 of the 3 dwellings have been built. A certificate of lawfulness was considered to be lawful on the 21/11/17. The likelihood of it being implemented is very likely as development to safeguard the permission has begun.

In line with criterion (1b) of Strategic Policy PS1 - Welsh Language and Culture the development would cumulatively provide more than the overall indicative housing provision for the Clusters tier, and a Welsh Language statement should be submitted in support of the application. However as there is a fallback position in this case for an open market dwelling, it is not considered that a Welsh Language statement is required in this instance.

### **Amendments**

The proposal entails the erection of a 3 bedroom dormer bungalow. It is considered that the dwelling will correspond with the scale and type of dwellings in the immediate area. The dwelling will be high quality and would be a betterment to the previously approved dwelling in terms of energy efficiency. It is not considered that the proposal will have a negative impact upon the amenities currently enjoyed by neighbouring properties.

### **Adjacent residential properties**

Neighbouring properties have been notified of the development. The expiry date to receive representations being 5/9/19. No letters of objection had been received

### **Conclusion**

The application is contrary to Policy TAI 6 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for an open market dwelling.

It is considered that the previous application V/999 is likely to be implemented and the amendments are an improvement to that previously approved.

### **Recommendation**

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

- **Location Plan – BGR-02-18-P Revision 1**
- **Proposed Elevations and Floorplans – BGR/01/18/P**

**under planning application reference FPL/2019/201**

Reason: For the avoidance of doubt.

**(03) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as that term is defined in Section 56 of the Town and Country Planning Act 1990 as amended) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development on any of the following permission: [V/999 - Erection of 3 dwellings at Tegfan, Llanynghenedl].**

Reason: to prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority

**(04) 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(05) 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 provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**(06) 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 site boundary with the adjoining highway and nothing exceeding this height erected within 2 metres of the said wall/hedge/fence or any new boundary.**

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**(07) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before any work is commenced on the remainder of the development before the dwelling is occupied.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(08) The car parking accommodation shall be completed in full accordance with the details as submitted before the dwelling is occupied and thereafter retained solely for those purposes.**

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(09) No surface water from within the development shall discharge onto the highway.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(10) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for loading and unloading and the storage of plant and materials;**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the development shall be completed in accordance with the approved plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(11) Within 1 month of the access hereby permitted being first brought into use the existing access serving the site shall be permanently closed and the highway boundary reinstated in accordance with the details to be agreed in writing by the Local Planning Authority.**

Reason: In the interest of highway safety

**(12) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced.**

Reason: In the interest of amenity

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: VAR/2019/49**

**Applicant:** Captain & Mrs Warden Owen

**Description:** Cais o dan Adran 73 i ddiwygio amod (11)(Cynllun Draenio) o ganiatâd cynllunio rhif 46C168A/FR (Codi annedd) a'r cais dilynol ar gyfer materion a gadwyd yn ôl cyfeirnod 46C168D/DA fel bod dŵr budr o'r annedd yn cael ei ollwng i waith trin carthffosiaeth ar y safle yn hytrach nag i'r system garthffosiaeth gyhoeddus ar dir ger / Application under Section 73 for the variation of condition (11)(Drainage Scheme) of planning permission reference 46C168A/FR (Erection of dwelling) and the subsequent reserved matters application reference 46C168D/DA so as to allow the foul water from the dwelling to be discharged to a treatment plant on site instead of the public sewer system on land adjacent to

**Site Address:** Trearddur House, Bae Trearddur Bay



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

**Recommendation:** Caniatáu / Permitted

**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.

**Proposal and Site**

The application is a Section 73 for the variation of condition (11) (Drainage Scheme) of planning permission reference 46C168A/FR (Erection of dwelling) and the subsequent reserved matters application reference 46C168D/DA so as to allow the foul water from the dwelling to be discharged to a

treatment plant on site instead of the public sewer system on land adjacent to Trearddur House, Trearddur Bay.

The site is accessed along a residential road from Lôn St Ffraid. The site is elevated above the playing field located on the junction of Lôn Isallt and Lôn St Ffraid.

### **Key Issues**

The application's main issues are whether the installation of a private treatment plant in lieu of the mains is acceptable in policy terms and whether it will have a detrimental impact on the Listed Building located within the curtilage of the application site.

### **Policies**

#### **Joint Local Development Plan**

**PCYFF2 – Development Criteria**

**PCYFF3 – Design and Place Shaping**

**TAI5 – Local Market Housing**

**PS 20 – Preserving and where appropriate enhancing heritage assets**

**Circular 008/2018 – Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.**

**Technical Advice Note 15: Development and Flood Risk (2004)**

**Technical Advice Note 24: The Historic Environment**

### **Response to Consultation and Publicity**

<b>Consultee</b>	<b>Response</b>
Draenio Gwynedd / Gwynedd Drainage	Comments
Dwr Cymru Welsh Water	No comments
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection
Cynghorydd Dafydd Rhys Thomas	No response
Cynghorydd John Arwel Roberts	I would like to oppose the proposed sewerage treatment plant at the Trearddur House plot which has planning permission for one dwelling. I believe this would be detrimental to the environment, close to the water course, literally next to Wellington Court and possibly affecting our lease with the current owner of Trearddur Bay football fields.
Cynghorydd Trefor Lloyd Hughes	No response
Cyngor Cymuned Trearddur Community Council	No response
Building Control	The proposal complies with relevant distances.

The application was afforded three 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 application was also advertised in the local newspaper as the application is contrary to policies of the



Joint Local Development Plan and in the setting of a Listed Structure. The latest date for the receipt of representations was the 25/9/19 and at the time of writing this report, 8 letters of objection had been received. The main issues raised objecting to the scheme can be summarised as follows;

- Foul water soakaway is still on impermeable rock and will become a static sump and any discharge will smell and overflow into the adjacent watercourse
- Land is outside the curtilage and doubt it is in the applicants control
- Connection to the Welsh Water Sewer should be maintained
- Rocky outcrop is unsuitable for a soakaway
- The position of the additional blanket soakaway is immediately adjacent and much higher than my only safe walkway access to my lower land. Therefore will increase drainage to my walkway.
- Position of the Treatment plant and soakaway does not comply with regulations.
- Impact on existing natural habitat.
- Natural Resources Wales will not allow connection to a sewerage treatment plant if a foul sewer is available within 30 metres.
- Unacceptable percolation tests carried out for the soakaway
- Rock will need to be excavated to cater for the development
- Proposals does not comply with planning policy

In response to the objections raised:

- Natural Resources Wales has been consulted on the planning application and they have confirmed that the additional information submitted with the planning application is acceptable and they are satisfied that sufficient information has been provided by the Applicant to justify the use of a private sewage system.
- The applicant has provided justification on why they are not able to connect to the welsh water sewer.
- The application has been amended and the location of the sewage treatment plant complies with regulations. The Building Regulations Section has been consulted on the planning application and have confirmed that the amended location of the treatment plant is acceptable.
- Porosity Tests and Soakaway information has been provided with the planning application. The planning application has an extant planning permission on the application site and porosity tests and soakaway information was approved as part of the previous application.

### **Relevant Planning History**

46C168 - Erection of a dwelling on land at Trearddur House, Trearddur Bay – Approved 31/07/1995

46C168A/FR - Outline application with all matters reserved for the erection of a dwelling on land at Trearddur House, Lon St Ffraid, Trearddur Bay - Approved 03/07/2014.

46C168B - Full application for the creation of a balcony at Trearddur House, Trearddur Bay – Approved 03/10/2016

46C168C/FR - Full application for the erection of 3 dwellings which includes balconies on land adjacent to Trearddur House, Lon St Ffraid, Trearddur Bay. Withdrawn 04/10/2017

46C168D/DA - Full Planning - Cais am faterion a gadwyd yn ôl ar gyfer codi annedd sydd yn cynnwys balconi ar dir yn / Application for reserved matters for the erection of a dwelling which includes a balcony on land at - Trearddur House, Bae Trearddur Bay

46C168E/FR - Full Planning - Cais llawn ar gyfer codi 3 annedd teras sydd yn cynnwys balconi ar dir ger / Full application for the erection of 3 terraced dwellings which include balconies on land adjacent to - Trearddur House, Trearddur Court, Bae Trearddur Bay

## **Main Planning Considerations**

The application's main issues are whether the installation of a private treatment plant in lieu of the mains is acceptable in policy terms and whether it will have a detrimental impact on the Listed Building located within the curtilage of the application site.

Outline planning consent was granted under planning application reference 46C168A/FR and a reserved matters application approved under planning application reference 46C168D/DA on the 8/12/17.

Policy Context – Circular 008/2018 and Planning Policy Wales state that in areas which are served by public sewers residential developments should connect to the mains. Paragraph 2.5 of Welsh Office Circular 008/2018 states that only if it can be clearly demonstrated by the developer that the sewerage and sewage disposal methods referred to in Paragraphs 2.3 and 2.4 are not feasible, taking into account cost and /or practicability, should a system incorporating septic tank(s) be considered and proposed if appropriate.

The applicant has provided information on the costs involved in connecting to the mains sewage – these costs have been calculated as £37,929.92.

The applicant has also advised that the adjoining owner has requested £18,800 to connect via their land.

The cost of installing the package treatment plant is £17,770.00 and this includes the purchase and installation of the system.

Bearing in mind the costs that will be incurred by connecting to the mains this would be unreasonable and unfeasible for the developer.

Due to the above it is considered that the applicant has justified the need for the installation of the package treatment plant and the scheme can be supported.

## **Natural Resources Wales**

Natural Resources Wales (NRW) has confirmed that they do not object to the variation of condition. NRW confirm that the application site is in a sewered area but it is proposed that foul drainage is to be discharged to a private sewerage system. Following submission and consideration of detailed information, NRW are satisfied that sufficient information has been provided by the Applicant as part of the planning application to justify the use of a private sewerage system. The applicant will need to apply for an environmental permit or register an exemption with NRW. They have confirmed that they are satisfied with the information submitted in respect of comparison costs of drainage options and acknowledge that it includes considerable cost for an easement to cross 3rd party land.

## **Setting of Listed Building**

The planning application is within the setting of a Grade II Listed Pillbox which is located some 100m to the North West of the site. The Heritage Officer has confirmed that the proposal will not have a significant impact on the setting of the Listed Pillbox.

## **Conclusion**

It is not considered that the provision of a package treatment plant will have a detrimental impact on the surrounding area. Natural Resources Wales have confirmed that they do not object to the proposal and confirmed that it is unlikely to have a significant adverse effect upon the interests listed. Natural Resources Wales have confirmed that following submission and consideration of detailed information, they are satisfied that sufficient information has been provided by the Applicant to justify the use of a private sewerage system. The Drainage Section has confirmed that they are satisfied with the information submitted to manage surface water run-off from the proposed development. A condition will

be placed on the permission ensuring that no building is occupied until the sustainable drainage system for the site has been completed and operational.

All material considerations have been taken into account but have not altered the recommendation made.

### **Recommendation**

**(01) The development to which this permission relates shall be begun no later than 08/12/19.**

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

**(02) The development shall take place in accordance with the reasonable avoidance measures for bats, birds and Herptiles (reptiles and amphibians) outlined in Section 3 of the P J Ecological Solutions Protected Species Survey report submitted under planning reference 46C168D/DA.**

Reason: To ensure that any protected species which may be present are safeguarded.

**(03) 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 enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house.**

Reason: In the interests of residential and visual amenity.

**(05) The paths, terraces and vehicular turning and parking areas (or any other hardstanding areas) hereby approved shall be constructed with a permeable surface and the underlying rock profile retained, so as to ensure that existing natural groundwater flow routes are protected. The permeable surfaced areas shall be maintained for the lifetime of the development.**

Reason: To ensure that the site is adequately drained and to ensure that no increased surface water run-off is directed towards adjacent properties.

**(06) The development permitted by this consent shall be carried out strictly in accordance with the plans and documents submitted below:**

- **PA3027/02 - Existing Site Plan (Submitted with planning application 46C168D/DA).**
- **PA3027/01B - Location Plan (Submitted with planning application 46C168D/DA).**
- **PA3027/08 - Sections - (Submitted with planning application 46C168D/DA)**
- **PA3027/05 - Proposed First Floor Plans (Submitted with planning application 46C168D/DA)**
- **PA3027/04 - Proposed Ground Floor Plans (Submitted with planning application 46C168D/DA)**
- **PA3027/06A - Proposed Elevations (Submitted with planning application 46C168D/DA)**
- **PA3027/07B - Proposed Elevations (Submitted with planning application 46C168D/DA)**
- **Bat and Bird Position - (Submitted with planning application 46C168D/DA)**
- **P J Ecological Solutions Report - (Submitted with planning application 46C168D/DA)**
- **PA3027/DA - Design Analysis (Submitted with planning application 46C168D/DA)**
- **Treatment plant details - BioFicient (Submitted with planning application VAR/2019/49)**

- **Proposed Foul Drain Connection - 3044/03 Rev B (Submitted with planning application VAR/2019/49)**
- **Proposed Site Plan - PA3027/03 Rev E (Submitted with planning application VAR/2019/49).**

**under planning application reference 46C168/FR, 46C168D/DA and VAR/2019/49 and the details which may be required to be considered under the above conditions.**

Reason: For the avoidance of doubt

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

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

**(08) No building shall be occupied until the sustainable drainage system for the site has been completed and fully operational in accordance with the proposed site plan (ref: PA3027/03 rev E) dated 12/08/2019. The sustainable drainage system shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**

Reason: To ensure the site is adequately drained

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.