

10.1

Ceisiadau'n Tynnu'n Groes

Departure Applications

Rhif y Cais: **19C452E** Application Number

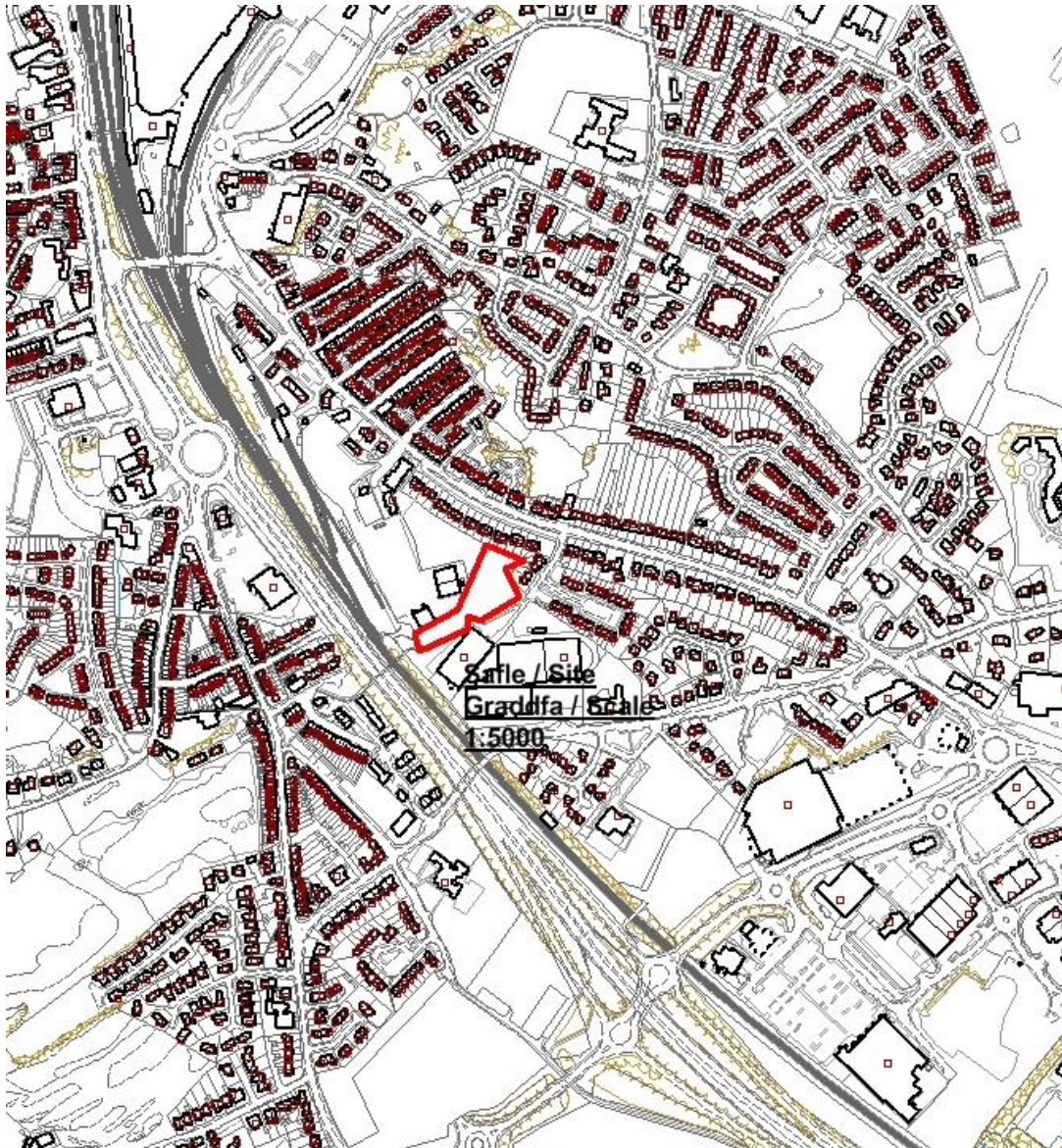
Ymgeisydd Applicant

**WJD Developments
c/o Penseiri Russell-Hughes Architects
56 Bridge Street,
Llangefni,
Ynys Môn.
LL77 7HH.**

Cais amlinellol ar gyfer codi 18 o anheddau ar dir yn

Outline application for the erection of 18 dwellings on land at

Canada Gardens, London Road, Holyhead



Planning Committee: 02/04/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The approval of housing on the site which is allocated for business use would be a departure from Policy 2 of the Ynys Mon Local Plan and Policies B2 and B4 of the Gwynedd Structure Plan.

1. Proposal and Site

The site is a parcel of vacant land accessed off London Road through Morrison Crescent. It is crossed by a public footpath running from London Road and across the A55 to Penllech-Nest. Access to existing industrial units is taken off the same access track. The site is in an elevated position in relation to the A55 and overlooks the Gwynedd Shipping depot to the rear. The majority of the site lies within employment allocation S8 under Policy 2 of the Local Plan which allocates the site for business / industry development.

The application is an outline application for residential development of the land with all matters reserved for subsequent approval. The submitted layout plan shows 18 dwellings in total arranged as semi-detached units. The site layout plan originally submitted has been amended to address concerns regarding amenity effects to neighbouring occupiers.

2. Key Issue(s)

Material considerations outweighing the policies of the development plan

3. Main Policies

Gwynedd Structure Plan

Policy A3 : Scale and Phasing

Policy A9 : Affordable Housing

Policy B2 : Employment Provision

Policy B4 : Protection of Employment Land

Ynys Mon Local Plan

Policy 2 : New Jobs

Policy 48 : Housing Development Criteria

Policy 49: Defined Settlements

Stopped Unitary Development Plan

Policy EP3 : Local Action Area

Policy HP2 : Housing Density

Policy HP7 : Affordable Housing

Policy SG7 : Noise

Supplementary Planning Guidance

Affordable Housing (May 2004)

Relevant National or Local Policy

Planning Policy Wales Edition 6

TAN 2 : Planning and Affordable Housing

TAN 11 : Noise

TAN 12 : Design

TAN 15 : Development and Flood Risk

4. Response to Consultation and Publicity

Cllr J A Roberts – no objection to the proposed development due to past planning history and appeal. Objection unless normal procedures are in place regarding affordable housing.

Cllrs R Jones & R LL Jones: Following a meeting with local residents, the following concerns are raised:

Increased traffic affecting local residents who may find difficulty parking outside their own properties;

Footpaths on the development should be wide enough to accommodate prams and other off road traffic;

Fencing needs to be robust to withstand vandalism;

Could the developer be asked to contribute towards improving the play area ;

Would the entrance to the play area be left as it is?;

Will there be affordable housing and will they be given over to a housing association?

Will the road leading to the site be improved?

There is a lot of wildlife in the area – has an assessment been made?

Traffic joining the main road opposite a busy motor repair garage – what safety measures will be put in place to ensure vehicular and pedestrian safety?

Holyhead Town Council No objection. Community benefit sought in relation to play equipment at London Road play area to which the developer has agreed in principle.

Natural Resources Wales – protected species survey required; conditions suggested regarding levels to avoid future flood risks; standard advice in relation to potential contamination.

Built Environment & Landscape Section: The site abuts the Grade II listed Pont Penllech Nest. Concern regarding effect on the setting of the listed building of the proposed acoustic fence but confirmed to be a matter which can be discussed at the reserved matters stage.

Footpaths Officer – the applicant has included details of a 'diverted footpath' – this matter will require formal consent.

Drainage Section – additional details requested; details received and are acceptable in principle

Highway Authority – reiterate previous recommendation – conditional approval

Environmental Health Section - Previous application was accompanied by a noise assessment which identified measures required to protect future inhabitants from noise. Similar conditions should be applied in this case. Contaminated land condition also required.

Dwr Cymru – Welsh Water –standard conditions

Ecological and Environmental Advisor: comments in relation to submitted ecological details which is noted not to be a full survey

Public consultation – two letters were received as a result of the publicity undertaken. One letter confirms that the writer has no objection to the proposed development but queries future intentions regarding a lease for the adjoining industrial units and parking arrangements – cars using the industrial units currently use the vacant site for parking. A copy of the letter has been sent to the agent as the content relates to private issues outside the scope of the planning system. The development as proposed retains separate access to the industrial units. The second letter raises concerns in relation to parking and traffic issues already in existence on London Road and the junction with Morrison Crescent and the discussions held with the Highway Authority regarding possible solutions. The proposed development will exacerbate the situation. The drainage infrastructure is also considered unsuitable to cope and previous flooding has been an issue.

5. Relevant Planning History

H/349C/TR – Change of use of part of Anglesey Knitting Factory and use of surrounding land for warehousing and storage purposes – Approved 23/12/80

19C452 – Use of approximately half of the old factory unit as a storage facility for plant hire business together with the occasional maintenance and cleaning of the stored plant at Canada Gardens – Refused 24/1/91

19C452A – Change of use of the remainder of the building from storage and distribution to light industrial use at Canada Gardens, Holyhead – Approved 5/1/96

19C452B- Outline application for residential development of land at Canada Gardens, Holyhead – Withdrawn 5/12/05

19C452C- Outline application for residential development of land at Canada Gardens, Holyhead – Refused 25/4/07

19C452D Outline application for residential development of land at Canada Gardens, Holyhead- Refused 12/12/2008 Appeal Allowed 2/11/2009

6. Main Planning Considerations

Principle of the Development : The development plan comprises the Ynys Mon Local Plan and the Gwynedd Structure Plan as adopted. Policy 2 of the Local Plan on New Jobs states that the Council will support employment generating proposals on sites allocated on the Proposals Map and detailed in Proposals S1 to S35 – the majority of the development site as now proposed in this application is within allocation S8 for business / industrial use. Policy B2 of the Gwynedd Structure Plan states that employment provision will be encouraged by ensuring an adequate supply of land at suitable locations. Policy B4 of the Structure Plan states that 'sites identified in accordance with Policy B2 will be protected from other forms of development including housing and retailing'. As a proposal for a housing development, the application departs from the development plan.

The Stopped Unitary Development Plan has changed the emphasis in terms of economic development in Holyhead with large scale allocations for jobs purposes being made to the south east of the town at Penrhos Link and Ty Mawr. The application site is no longer specifically allocated within the UDP. However, it is contained within the Local Action Area designated under employment policy EP 3 which states that

'A Local Action Area is designated for Holyhead within which new development, redevelopment, rehabilitation and improvement which improves the town and port of Holyhead will be permitted'.

Paragraph 11.17 of the UDP explains that

'The purpose of the Action Area is to reinforce the strategy of this plan which is seeking to promote economic and other activity which will offset the process of decline affecting local communities'.

The policy is significantly contained within the employment chapter of the Plan and whilst the Local Action Area designation does not specifically exclude residential development as part of the redevelopment of the area the focus and emphasis is clearly on economic development. Whilst it may be argued that residential development and the physical improvement of the site in general terms together with a response to housing need issues in the locality as part of the application are compatible with the precept contained within Policy EP3, the physical layout of the site and its proximity to industrial development has led to the previous refusal of planning consent as the site was considered physically unsuitable for housing due to noise issues.

Contrary to officer recommendation, the Planning and Orders Committee refused permission for residential development in 2008 although the scheme as then submitted had addressed concerns regarding noise for example. On appeal, no evidence could be produced that the site continued to be required for economic purposes and the Inspector granted planning permission subject to conditions. There has been no material change in circumstances since the appeal decision.

The Proposal : The application is an outline proposal for the residential development of the site of up to 18 dwellings. The site measures some 0.78 ha overall and the density is slightly less than average but reflects the pattern of development in the immediate vicinity.

Noise Impacts: To the west of the site at an approximate distance of some 20m runs the Holyhead to Chester Railway and the A55. The site is elevated above these and is elevated above the Gwynedd Shipping HGV depot to the north west. At the request of the Planning Service, the Environmental Health Section undertook a 24 hour noise monitoring survey to assess noise sources at the site in dealing with the previous application for residential development. The results indicate that the site is within Noise Exposure Category B (TAN 11) which means that noise should be taken into account when determining planning applications and that where appropriate conditions should be imposed to ensure an adequate level of protection. This is consistent with Policy SG7 of the UDP which states that development proposals will not

be permitted which would result in unacceptable noise exposure. Paragraph 17.27 of the UDP states that 'where difficulties are experienced in separating noise-sensitive from noise-generating developments, proposals should contain mitigation measures to minimise any detrimental impact...In the event that mitigation measures are considered unable to overcome potentially unacceptable noise problems, planning permission will not normally be granted'.

The application as now submitted was accompanied by a Noise Assessment undertaken on behalf of the applicant to assess likely noise impacts upon the development from existing noise sources. This report indicates that the site is dominated by traffic noise both during the day and night. Assuming traditional brick and block construction noise levels with windows closed should be acceptable with standard thermal double glazing and acoustic trickle ventilators. However, some plots would be exposed to more unacceptable noise levels with windows partially open and noise levels within garden areas are expected to exceed the recommended criteria. Proposed plots 5 & 6 and 17 & 18 are principally affected by external noise sources. Further consideration has been given to mechanical ventilation systems for these plots together with the erection of an acoustic barrier at the south west end of the site. The results of the assessment have been considered by the Environmental Health Section and are considered acceptable subject to the proposed mitigation. Given long term maintenance requirements for an acoustic fence, a S106 agreement is proposed.

In dealing with the appeal proposal, the Inspector accepted that noise issues could be satisfactorily dealt with by condition.

Drainage Impacts: The drainage proposals are considered acceptable in principle. Natural Resources Wales suggests a condition in relation to no raising of land levels within 4m of the watercourse as a safeguard against future flooding.

Highways Impacts- Vehicular and pedestrian access to the site is afforded from London Road but a well-used public footpath currently crosses the site to a pedestrian over-bridge spanning the Holyhead to Chester Railway and the A55 and leading to Kingsland. The path would require formal diversion as part of the scheme. Visibility splays to the site itself have been demonstrated on plan as requested by the Highway Authority. No concern has been expressed by the Highways Authority in relation to additional traffic entering London Road from the site. Conditions are suggested by the Highway Authority. The Inspector did not consider that concerns raised at the appeal were sufficient to lead to a refusal of planning permission.

Protected Species: A reply is awaited from Natural Resources Wales in relation to an ecological report submitted in support of the application. The report concludes that the presence of protected species is unlikely but suggests a methodology for reasonable avoidance measures should any reptiles be present. It also suggests avoidance of site clearance during the bird nesting season.

Contaminated Land: Concern has previously been expressed that the site may be contaminated. The Environment Agency raises no concerns but suggests standard advice. The Environmental Health Section has suggested a condition requiring investigation (together with mitigation should such be required) prior to any development taking place. This is considered a suitable safeguard and is consistent with conditions imposed on other development on former industrial sites in Holyhead. Environmental legislation has safeguards for the construction phase in relation to Japanese knotweed.

Play Area – the scheme will provide 18 new dwelling units and it is likely that the majority will be occupied by families who may use the play area on London Road. A financial contribution has been sought from the developer and is agreed in principle. The payment will be secured as part of a S106 agreement.

7. Conclusion

The proposal is a departure from the Local Plan. However, the site is a vacant and underutilised parcel of land within the town which is encouraged for use for housing development under national planning policy. Local emphasis in relation to the location of industrial development has changed. The proposal will bring forward 30% of the units as affordable housing. It is not considered that approval of the scheme would prejudice the development plan. This was borne out in the appeal decision made in 2009.

8. Recommendation

Permit subject to the following conditions and subject to a S106 agreement on the provision of affordable housing in accordance with policy requirements together with a financial contribution towards the play area

on London Road.

(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) Full levels details and cross sections to datum point identifying slab levels and finished floor levels shall be submitted to and approved in writing by the LPA as part of any reserved matters application submitted. No infilling or raising of ground levels shall take place within 4m of the exiting watercourse.

Reason: To ensure a satisfactory appearance of the development. and to prevent the increased danger of flooding

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

Reason: To ensure a satisfactory appearance of the development.

(06) No development shall take place until trade descriptions of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance of the development.

(07) No development shall commence until construction details of the dwellings have been submitted to and approved in writing by the LPA showing mitigation proposals for noise impacts emanating from adjoining development, as detailed in the Noise Assessment report prepared by Atkins and submitted on 27th September 2007 and the Addendum Report submitted on 11th January 2008 under application 19VC452D. The development shall proceed in accordance with the approved details. Any replacement of windows, glazing or ventilation equipment shall be to an equivalent specification as approved, or as otherwise agreed in writing with the LPA.

Reason: In the interests of residential amenity.

(08) The site shall be landscaped and trees and shrubs shall be planted in accordance with a scheme to be agreed in writing with the local planning authority before any development work is commenced on the site, unless otherwise agreed in writing with the local planning authority. This planting and landscaping work shall be carried out in full to the satisfaction of the local planning authority during the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. The said trees and shrubs shall be maintained for a period of five years from planting and any trees or shrubs that die, or become severely damaged or seriously diseased during this period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory appearance of the development.

(09) The provisions of Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded.

Reason: In the interests of residential and visual amenity.

(10) No development shall take place until details of the construction of the access including gradient, lighting, the construction of footways, visibility at the junction with Morrison Crescent and details of the finished surface have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory means of access and road infrastructure for the development

(11) No development shall take place until:

i) details of a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the local planning authority;

ii) the results of the survey carried out under condition 11(i) above have been submitted in writing to the local planning authority;

iii) a scheme to deal with any contamination identified by the survey has been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and water quality

(12) Should contamination not previously identified be found through the course of development it must immediately be reported in writing to the local planning authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the local planning authority before any of the dwellings hereby permitted are occupied

Reason: In the interests of residential amenity and water quality.

(13) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(14) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

(15) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(16) The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

(17) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the local planning authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system,

(18) The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 6 credits under category Ene 1 - 'Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11 November 2010. (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To mitigate the causes of climate change and ensure resilience against predicted future climate changes.

(19) Construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene 1 - Dwelling emission rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11 November 2010 (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority).

Reason: To mitigate the causes of climate change and ensure resilience against predicted future climate changes.

(20) Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 6 credits under 'Ene 1 - Dwelling emission rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11 November 2010 (or any subsequent equivalent and/or standard or as may be approved in writing with the Local Planning Authority).

Reason: To mitigate the causes of climate change and ensure resilience against predicted future climate changes.

(21) The site shall be developed in accordance with the recommendations contained within the Clwydian Ecology Protected Species Report dated 10th February 2014.

Reason: In the interests of ecology.

10.2

Ceisiadau'n Tynnu'n Groes

Departure Applications

Rhif y Cais: **27C95C** Application Number

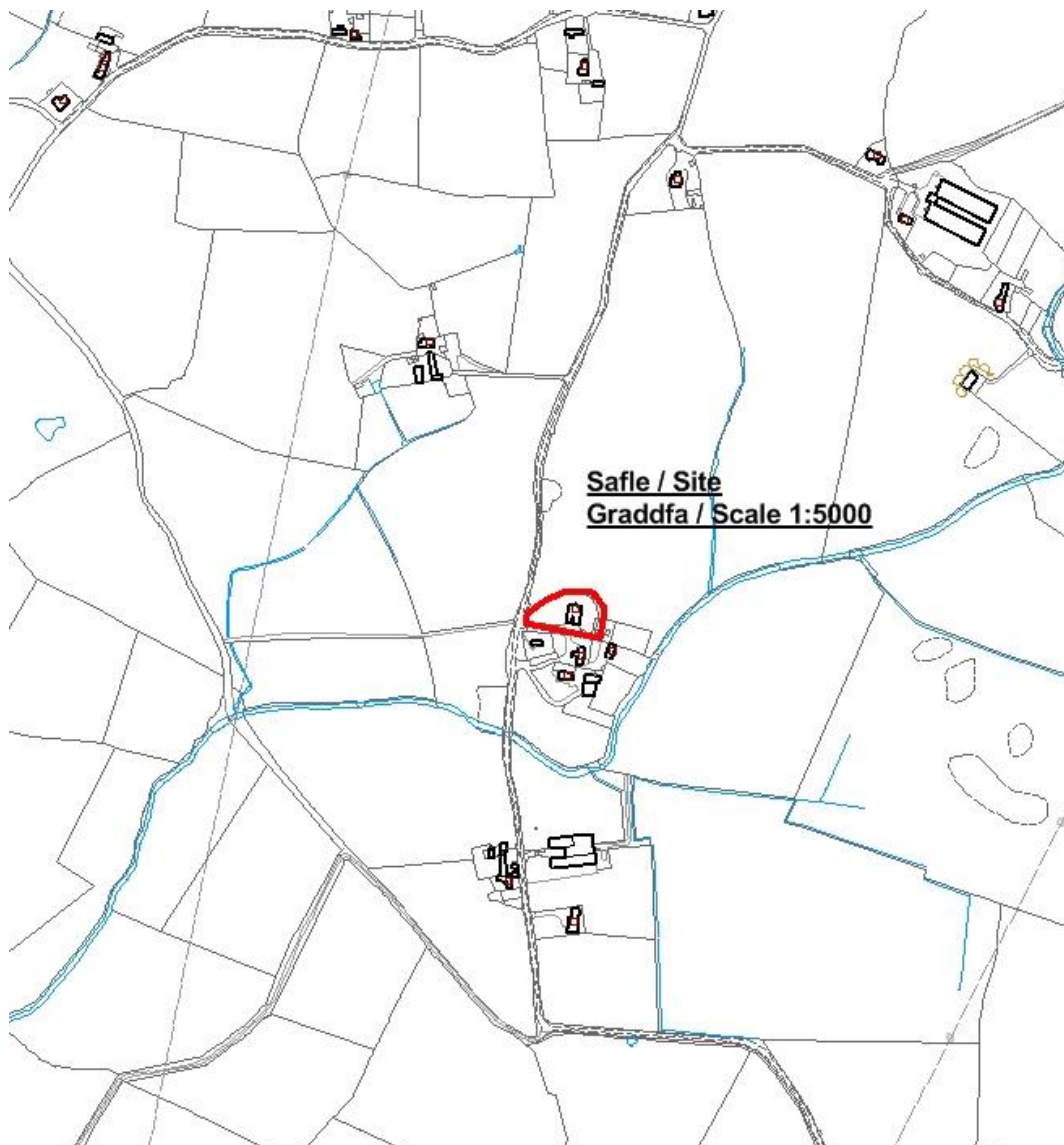
Ymgeisydd Applicant

**Miss Deborah Newbold
c/o Mr Jeffrey St. Paul
Jeff St Paul Consulting
Tyddyn Sadler
Cerrigceinwen
Bodorgan
Ynys Môn
LL62 5EF**

Cais llawn ar gyfer ail-godi'r annedd a ddifrodwyd
â tân ynghyd a chodi estyniad yn

Full application for the re-building of the fire
damaged dwelling together with the erection of an
extension at

Plas Llanfigael, Llanfigael



Planning Committee: 02/04/2014

Report of Head of Planning Service (AMG)

Recommendation:

Permit

Reason for Reporting to Committee:

The proposal is to re-build an extensively fire damaged property which raises policy issues.

The application is a departure from the Ynys Môn Local Plan which officers are minded to approve.

1. Proposal and Site

The site is located within the district of Llanfigael. The subject building is included in the statutory register of listed buildings on Anglesey and in Wales as being grade II and is also located in the setting of the neighbouring grade II listed Church of St Figael. The property was a two storey former rectory.

The proposal entails the re-building of the fire damaged dwelling together with the erection of an extension at the rear of Plas Llanfigael, Llanfigael.

2. Key Issue(s)

The key issues to consider are whether the extenuating circumstances of the case warrant approval given that the proposal conflicts housing policies and affect on the amenities of the neighbouring properties.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General

Policy 41 – Conservation of Buildings

Policy 42 – Design

Policy 53 – Housing in the Countryside

Policy 54 – Replacement Dwellings

Gwynedd Structure Plan

Policy A6 – Dwellings in the Countryside

Policy D4 – Location, Siting and Design

Policy D21 – Alterations to a Listed Building

Policy D23 – Demolition of a Listed Building

Policy D29 – Standard of Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy EN13 – Conservation of Buildings

Planning Policy Wales, Edition 6, February 2014

Technical Advice Note 12: Design

Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment

4. Response to Consultation and Publicity

Councillor John Griffith – Bearing in mind the condition of the Country House following the fire, it's good to see the owner's intentions here to rebuild it back to its original condition in the 18th Century and I hope that

she will keep to her word. I am not completely certain that the conservatory/swimming pool extension blends in completely with the big house but I feel we need to consider it. This is appropriate for a decision to be made by officers in accordance with the relevant policies.

Councillor Kenneth Hughes – No response received at time of writing the report.

Councillor Llinos Huws - No response received at time of writing the report.

Community Council – No objection.

Welsh Water – Comments

Natural Resources Wales - No response received at time of writing the report.

Highways – No recommendation.

Drainage – Comments

Public Consultation – The proposal was advertised through three means of publicity; the placing a site notice near the site, the distribution of personal letters of notification to the owners/occupiers of properties in the immediate locality together with a notice in the local newspaper. The latest date for the receipt of representation is the 17th February 2014. At the time of writing this report one letter of representations had been received at the department. The main issues raised can be summarised as follows:

i) Concerned that the existing septic tank is inadequate.

Response – Details of the existing septic tank have been received and we are awaiting the observations of the Drainage Section.

ii) Concerned how the proposal may be sympathetically achieved with the proposed plans and extensions as planning laws prevents unrestricted demolition, alterations and extension of a listed building.

Response – Planning policies allows for alterations, extensions and demolition of a listed building where there is adequate justification for the proposal.

5. Relevant Planning History

27C95/LB - Listed Building Consent for a conservatory on Plas Llanfigael, Llanfigael – Withdrawn
21/06/2011

27C95A - Erection of a new garage at Plas Llanfigael, Llanfigael – Approved 08/10/2009

27C95B/LB - Retrospective listed building application for the replacement of windows and external rendering at Plas Llanfigael, Llanfigael – Refused and approved 28/06/2010

6. Main Planning Considerations

Circumstances of the case – The proposal entails the re-building of the fire damaged dwelling together with the erection of a single storey extension at the rear. The external appearance of the re-built former rectory will recreate the appearance of the original building, with a complementary modern single storey extension at the rear to provide a conservatory and swimming pool. The site is not located within any settlement identified in the Ynys Môn Local Plan. Policy 53 of the Ynys Môn Local Plan states that on land in the open countryside the Council will refuse permission for new dwellings except where all of the listed criteria are satisfied. The existing dwelling was subject to a catastrophic fire in April 2011 which resulted in the virtual total loss of the special character of the interior of the building and of the exterior, total loss of the roof, walls to below wall plate level in places, windows and many features of interest. The subject building is also included in the statutory register of listed buildings as being grade II. Therefore it is considered that there are extenuating circumstances in this case which warrants approval. The proposal redeems a statutory protected listed building and rejuvenates it for present and future generations to enjoy.

Affect on the amenities of the neighbouring properties: It is not considered that the proposal will have a detrimental affect on the amenities currently enjoyed by the occupants of the neighbouring properties. The proposal entails the re-building of the fire damaged dwelling. The external appearance of the re-built former

rectory will recreate the appearance of the original building. The proposed single storey rear extension will be partially screened from the neighbouring properties by existing stone walling along the boundary of the property.

7. Conclusion

Although the application is a departure from both local and national planning policies, it is considered that there are extenuating circumstances in this case which warrants approval. The proposal redeems a statutory protected listed building and rejuvenates it for present and future generations to enjoy.

8. Recommendation

Permit

(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) Before work begins window glazing bar samples of a scale shall be approved in writing by the local planning authority and the works shall be carried out in accordance with the details approved.

Reason: To ensure that the works are satisfactory from an architectural and conservation area point of view.

(03) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted on the 08/01/2014, 06/02/2014 & 13/02/2014 under planning application reference 27C95C

Reason: For the avoidance of doubt.

10.3

Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **33C125L** Application Number

Ymgeisydd Applicant

**Rev Emlyn Williams
c/o Penseiri Russell-Hughes Architects
56 Bridge Street,
Llangefni,
Ynys Môn.
LL77 7HH**

Cais llawn i dymchwel modurdy presennol, codi annedd newydd sydd yn cynnwys balconi ar yr ochr ynghyd a chreu mynedfa newydd i gerbydau ynghyd a chadw'r fynedfa l'r anedd presennol yn

Full application for the demolition of the existing garage, erection of a new dwelling which includes a balcony to the side together with the construction of a new vehicular access together with retention of the access to the existing dwelling at

Cynlas, Gaerwen



Planning Committee: 02/04/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application constitutes a departure from Local Plan Policy 53 and Gwynedd Structure Plan Policy A6.

1. Proposal and Site

The site is part of the garden area of the bungalow known as Cynlas. The land surrounding Cynlas has the benefit of planning permission for the erection of 5 bungalows, now almost complete with all apart from one occupied. The proposal is to erect a dwelling to the side of Cynlas, accessed on the end of the cul-de-sac to the rear of Cynlas bungalow, the estate road providing access also to the 5 new bungalows.

As part of the original layout of the estate the original access to Cynlas bungalow directly onto the A5 was closed in favour of a new estate road giving access to all the plots including the original bungalow from the far end of the estate road. Rather than provide a shared access for the original bungalow and the proposed plot at the end of the cul-de-sac, the proposal has been amended to give a separate access to the original bungalow nearer the junction with the A5 with the proposed new plot only being accessed from the cul de sac.

The proposal is for a two storey dwelling with parking areas and garden space.

2. Key Issue(s)

Material considerations outweighing the policies of the development plan.

3. Main Policies

Gwynedd Structure Plan

Policy A3 : Scale and Phasing

Policy A6: New Dwellings in the Open Countryside

Ynys Môn Local Plan

Policy 48 : Housing Development Criteria

Policy 49: Defined Settlements

Stopped Unitary Development Plan

Policy HP3 – New Housing – Main and Secondary Centres

Relevant National or Local Policy

Planning Policy Wales (Edition 6)

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

4. Response to Consultation and Publicity

Local Members: No reply to consultation

Community Council: objection due to concerns regarding the access and surface water

Dwr Cymru Welsh Water: Standard conditions

Natural Resources Wales:

JPPU: Gaerwen is identified as a defined settlement under Policy 49 of the Local Plan and a Secondary

Centre under the stopped UDP. Although not formally adopted, due to the stage reached in its preparation, it is a material consideration which can be afforded significant weight in dealing with current applications. The site lies inside the stopped UDP development boundary for Gaerwen. Subject to detailed development control considerations, there is no objection on policy grounds.

Highways : Not proposed to make a recommendation

Drainage: Additional details required

Public Consultation

4 letters of objection have been received from the owners / occupiers of the new bungalows on the Cynlas estate. Objections are based upon:

Access being proposed via the existing estate with the plans suggesting a substantial family residence which may result in several vehicles using the site. There is limited space to manoeuvre on the estate road and additional traffic will lead to congestion;

The two storey design does not blend in with the estate of bungalows;

Objection to heavy machinery using the estate road for construction as the estate is nearing completion and the final road covering will soon be in place; concerns regarding drainage and infrastructure responsibilities in relation to this;

Unacceptable loss of privacy to the bungalow at the rear of the site;

Access should be provided to the front of the original bungalow at Cynlas rather than provided through the estate.

5. Relevant Planning History

33C125C Outline application for the erection of 4 bungalows together with the construction of a new vehicular access on land at Cynlas, Gaerwen – approved 13/5/04

33C125D Outline application for the erection of 5 bungalows together with the construction of a new vehicular access on land at Cynlas, Gaerwen – approved 11/12/06

33C125E/DA Detailed application - approved 28/4/08

33C125G Full application for the erection of 5 bungalows together with the construction of a new vehicular access on land at Cynlas, Gaerwen – approved 28/7/11

33C125H Outline application for the demolition of the existing dwelling and garage and the erection of two dwellings at Cynlas, Gaerwen – approved 8/3/12

6. Main Planning Considerations

Principle of the Development : The development plan comprises the Ynys Mon Local Plan and the Gwynedd Structure Plan as adopted. The site is located outside the development plan boundary as defined under Policy 49 of the Local Plan.

The site has the benefit of a now nearly completed permission for 5 bungalows to the rear of the original bungalow at Cynlas. In addition, in 2012, outline planning permission was granted for the demolition of the original bungalow and the erection of two dwellings on the site (33C125H).

The application as now presented retains the original bungalow and seeks full planning permission for the erection of a dwelling to its side.

The Stopped Unitary Development Plan includes the site within the development boundary. Planning permission has previously been granted on the basis of the material weight given to the stopped UDP. The plot represents an underutilised part of the site and would be an infill plot rounding off the estate. Outline permission exists on the site, representing a fall-back position carrying material weight.

The Proposal : The application is a full planning application for the erection of a two storey dwelling. Albeit the new estate is wholly developed as single storey dwellings, there is a mix of heights and styles within the wider context of the village. The site is adjacent to a local church of contemporary design and fronted by two storey elements onto the A5. It is not considered that the overall design is out of place in this setting. The proposal is separated from the bungalows on the estate by the estate road and separation distances are taken into account. Cynlas bungalow has a secondary window on its gable elevation but given separation distances, design and screening proposals it is not considered that the development would affect amenities to such an extent as to warrant refusal. Similarly, consideration has been given to the property between the proposed plot and the A5 in terms of overlooking and loss of privacy.

The outline permission granted in 2012 under reference 33C125H was for a new bungalow together with a two storey dwelling on the site in a similar configuration to that achieved under the current application. The precedent of a two storey dwelling has already been accepted.

Drainage Impacts: Concern was expressed in dealing with the original outline planning permissions regarding surface water drainage and the potential for flooding on the site. The Community Council raises non-specific concerns regarding surface water. A drainage scheme for the proposal has been submitted and is under consideration.

Highways Impacts: The Highway Authority raises no concerns regarding the proposal. The outline planning permission originally retained Cynlas bungalow with an access taken from the end of the estate road cul-de-sac which also served the 5 new bungalows proposed at that time. The outline permission 33C125H for the demolition of Cynlas bungalow and the erection of a bungalow and a two-storey dwelling on the site had one property being accessed off the end of the estate road cul-de-sac and the other just near the junction of the estate road with the A5.

The application as now proposed retains Cynlas bungalow and provides a vehicular access to it at the start of the estate road. The proposed new plot will be accessed off the end of the cul de sac estate road. No additional vehicular traffic will use the estate road than was originally approved when planning permission was granted for the estate in the first instance.

7. Conclusion

The proposal is a departure from the Local Plan. However, the site is included within the development boundary of the stopped UDP; it represents an infill plot on a residential estate and the site already has the benefit of an outline permission for a two storey dwelling. No additional traffic impacts are created on the end of the cul-de-sac than was originally proposed. Drainage details are currently under discussion but it is not anticipated that a solution cannot be agreed, in particular given the recent granting of planning consent for a similar development on this site.

8. Recommendation

Permit subject to the following conditions and the resolution of drainage details and any additional conditions required:

(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) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(03) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

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.

(04) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(05) The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credits under category 'Ene 1 – Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11th November 2010 (Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

(06) Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 11th November 2010 (Version 3).

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.

(07) Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene 1 – Dwelling Emission Rate', has been achieved for the dwelling in accordance with requirements of the Code for Sustainable Homes: Technical Guide 11th November 2010 (Version 3).

Reason: To mitigate the causes of climate change and ensure resilience against the predicted future climate changes.