

Planning Committee: 05/11/2014

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

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

1. Proposal and Site

The proposal is for outline planning permission for the erection of a dwelling. The application site forms part of the curtilage of a property known as Dafarn Drip in the village of Cerrig Man between Amlwch and Penysarn.

2. Key Issue(s)

- Principle of development
- How well the dwelling would integrate with its surroundings
- Highways issues

3. Main Policies

Ynys Mon Local Plan

1 – General
31 – Landscape
42 – Design
48 – Housing Development Criteria
53 – Housing in the Countryside

Gwynedd Structure Plan

A6 – New Dwellings in the Open Countryside
D3 – Landscape Conservation Areas
D4 – Location, Siting and Design
D28 – Natural Slates
D29 – Design
D32 – Landscaping

Stopped Unitary Development Plan

GP1 – Development Control Guidance
GP2 – Design
TR10 – Parking Standards
EN1 – Landscape Character
HP5 – Countryside Hamlets and Clusters.
SG5 – Private Sewage Treatment Facilities
SG6 – Surface Water Run Off

Planning Policy Wales 2014

TAN 12 - Design

4. Response to Consultation and Publicity

Local Members – No response at time of writing report.

Welsh Water – No comments.

Community Council – No response at time of writing report.

Highways – Recommend condition regarding provision of a 2.4m x 120m visibility splay.

Drainage – Comments

5. Relevant Planning History

24C261: Outline application for the erection of a dwelling on land at Dafarn Drip, Cerrigman.
Approved - 14/08/2009

6. Main Planning Considerations

Principle of Development

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

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

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

It should be noted that outline planning permission was previously given for a dwelling on this site in 2009 as listed above.

Impact on the Surroundings

In landscape terms it is considered that the site forms an acceptable infilling that does not cause detriment to the wider landscaping setting.

The proposal is therefore acceptable in broad landscape terms and is well integrated with its immediate surroundings.

Additionally given the proposed dwelling relation with nearby properties it is not considered that there will be harm to residential amenities.

Highways and Drainage

The Highways Department have raised no objection to the proposed development, however, they

have recommended that a 2.4m x 120m visibility splay be provided as part of the development.

7. Conclusion

Whilst the proposal is contrary to the policy 53 contained within the Ynys Mon Local Plan and policy A6 of the Gwynedd Structure Plan, the proposal is acceptable under the provisions of policy HP5 of the Unitary Development Plan given the weight that can be given to this the proposals are considered acceptable.

8. Recommendation

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

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.

(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 prevent the accumulation of planning permissions: to enable the council to review the suitability of the development in then light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act

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

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

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

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

(04) 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: To ensure that the development is in the interests of amenity.

(05) The access shall be constructed with 2.4 meter by 120.0 meter splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

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

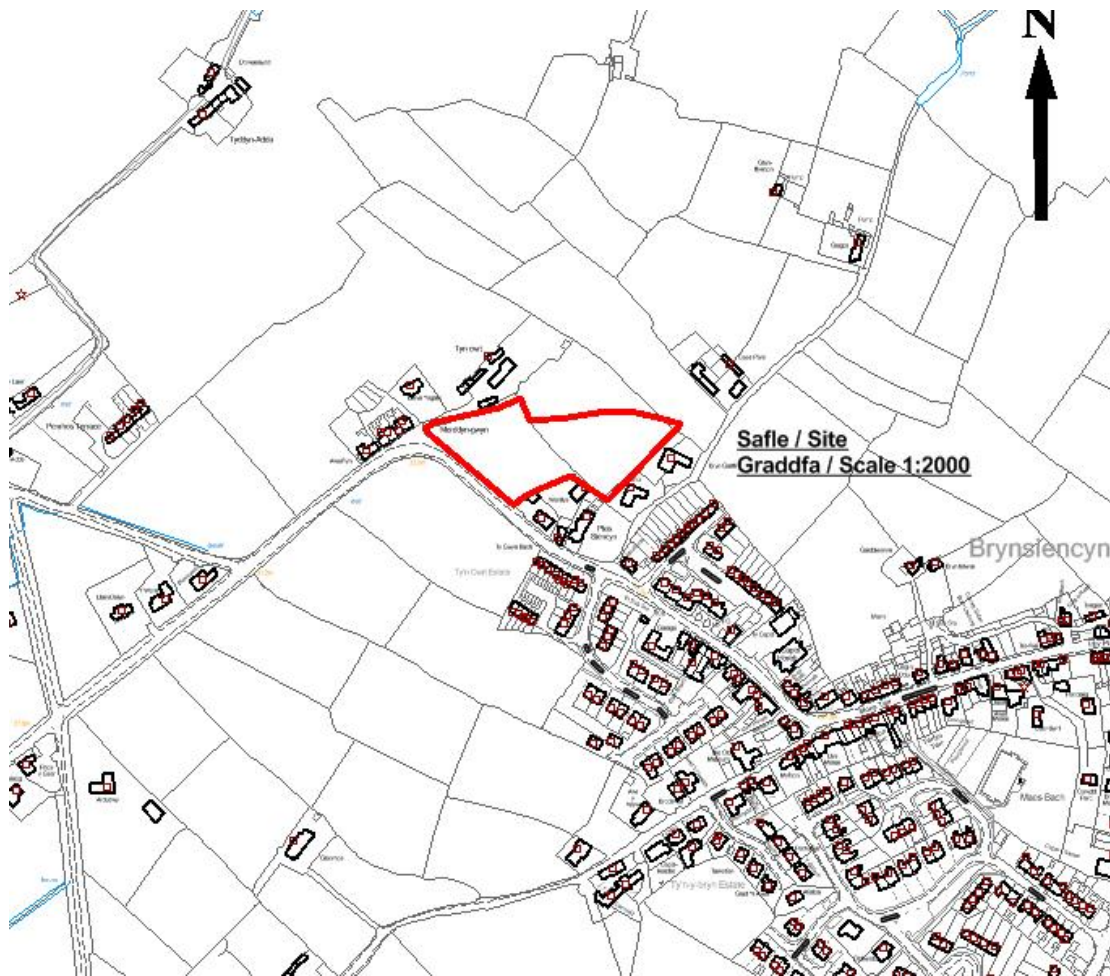
Rhif y Cais: **37C26T/VAR** Application Number

Ymgeisydd Applicant

Mrs Helen Sweeney

Cais o dan Adran 73 i ddiwygio amodau (02) a (03) o ganiatâd cynllunio rhif 37C26S (adnewyddu caniatad cynllunio 37C26P ar gyfer datblygiad trigiannol) er mwyn adnewyddu caniatâd cynllunio amlinellol ar dir ger / Application under Section 73 for the variation of conditions (02) and (03) of planning permission reference 37C26S (renewal of planning consent 37C26P for residential development) to re-new outline planning permission on land adjacent to

Merddyn Gwyn, Brynsiencyn



Planning Committee: 05/11/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

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

1. Proposal and Site

This application is to renew the permission granted under ref 37C26S on the 18/10/2011.

The application is in outline form but includes details of the site layout and means of access. 13 dwellings are proposed, 4 of which are to be Affordable

The site is located at the north western edge of the village and comprises of two field enclosures of rough grassland.

Established trees and hedges are to be found along site boundaries and an existing access into the site exists from the adjoining A4080 highway.

2. Key Issue(s)

- Principle of development
- Impact on surroundings
- Highways and drainage issues
- Affordable housing

3. Main Policies

Gwynedd Structure Plan

Policy A2: Housing

Policy A3: Housing

Policy A9: Housing

Policy D3: Landscape conservation areas

Policy D4: Location, siting and design

Policy FF12: Parking standards

Ynys Mon Local Plan

Policy 1: General Policy

Policy 26: Car Parking

Policy 31: Landscape

Policy 32: Landscape

Policy 42: Design

Policy 48: Housing Development Criteria

Policy 49: Defined Settlements

Policy 51: Large Sites

Stopped Unitary Development Plan

GP1: General Policy

GP2: Design
EN1; Landscape character areas
EN14: Tree Preservation Orders & Hedgerows
HP2: Housing Density
HP4: Villages
HP7: Affordable Housing – Housing Need
SG4: Foul Sewage Disposal
SG6: Surface Water Run Off

Relevant National or Local Policy

Planning Policy Wales Edition 7
Technical Advice Note 2 “Planning & Affordable Housing.”
Technical Advice Note 12 “Design”
Technical Advice Note 18 “Transport”

4. Response to Consultation and Publicity

Community Council : No objection

Highways: No recommendation on highway grounds. Comments in relation to footpath.

Natural Resources Wales: Previous advice remains valid.

Drainage: no objection to renewal.

Responses were awaited from the following consultees:

Cllr H E Jones
Cllr V Hughes
Joint Planning Policy Unit
Dwr Cymru-Welsh Water

2 letters of objection had been received at the time of writing raising concerns regarding overlooking and loss of privacy from the proposed dwellings together with the devaluation of property. The siting of the buildings and the access to the site were included at the outline stage and were considered acceptable in policy terms. There has been no material change in circumstances since the approval was granted.

5. Relevant Planning History

There is an extensive planning history extending back to the early 1960's. The majority of these applications relate to the residential development of the land and the planning file indicates that permission for 7 bungalows issued in the early 1980's has been safeguarded.

The more recent planning history can be summarised as follows;

37C26: Erection of a home for the elderly together with the re-siting of 7 dwellings previously approved under A/436K. Approved:12.09.86

37C26B: Re-siting of 7 bungalows previously approved under planning consent A/436J. Approved: 21.10.88

37C26C: Use of land for the erection of a dual registration residential and nursing home. Refused: 08.01.88

37C26D: Use of land for the erection of a dual registration residential and nursing home. Refused: 20.04.88

37C26F: Erection of 23 bungalows to provide starter homes. Refused: 04.03.92

37C26G: Residential development for the erection of 6 dwellings. Approved: 05.11.93

37C26H: Installation of septic tanks on plots 6 & 7. Approved: 26.01.95

37C26J: Erection of dwellings on plots 6 and 7. Approved: 24.01.00

37C26M: Amended plans for the erection of a dwelling at plot 7. Approved: 04.10.00

37C26N: Outline application for residential development. Refused: 09.09.02.

37C26P: Outline application for residential development. Approved: 14.12.07

37C26S: Renewal of outline planning permission for residential development granted under reference 37C26P. Approved: 18.10.2011

6. Main Planning Considerations

As the material considerations have not changed since the application was approved there is no objection to the renewal of the permission. I have, however reproduced below the Officers considerations from when the application was first determined so as to give members a clear picture as to why the application was originally approved.

"Inevitably an application of this kind raises a wide and diverse range of issues that need to be taken into account. It is not possible to deal with each and every one of these issues in detail and accordingly I have distilled what I consider to be the main issues as follows:

Principle of development & Policy context:

The settlement is identified as a Defined Settlement in the adopted Ynys Mon Local Plan with approximately 50% of the application site lying outside the development boundary.

It is identified as a Village in the Stopped Unitary Development Plan where the entire application site is within the development boundary and is allocated for housing.

The Stopped Unitary Development Plan remains a material planning consideration. Following on from the resolution of the Executive Committee on the 26th February 2007 that "the current levels of residential development are acceptable" it is considered that the logical areas to develop are the sites allocated in the Stopped Unitary Development Plan since they have been subject to scrutiny at a Public Inquiry and supported in the Inspector's Report of 2004.

The principle of development is therefore accepted as approximately 50% of the site lies within the adopted Development Plan. The remainder of the site is allocated for housing development within the Stopped Unitary Development Plan and this is a material consideration of significant weight given the stage reached and in light of the recent resolution of the Executive Committee.

Impact on surroundings:

The site is flanked by existing residential development with its frontage running alongside the A4080, the rear of the site backs onto open countryside. In visual terms the site is well related to the built confines of the village and forms a logical rounding off rather than forming an intrusion into the countryside.

In landscape impact terms it is considered that the site forms an acceptable infilling that does not cause detriment to the wider landscape setting.

The proposed density for the site is approximately 20 per hectare which is below the average of 30 identified in the Stopped Unitary Development Plan. However, it is recognized that density will vary with the characteristics and design issues related to individual sites. In this instance the density is considered acceptable given the semi rural location of the site and the desirability of retaining existing trees and hedgerows were possible.

The proposed layout has been submitted for consideration and it is considered that due regard has been had to the location of existing properties surrounding the site. The proposal will inevitably change the situation for the occupiers of adjoining properties as there will be a housing estate on what was previously an undeveloped piece of land. It is considered that the greatest impact in terms of change of outlook is likely to be on the properties known as Lleifior and Ty'n Cwrt, other properties will be effected but to a lesser degree.

Nevertheless, it is considered that the proposed layout and the juxtaposition of the proposed dwellings to existing properties is such that loss of amenity by reason of overshadowing, loss of privacy or overlooking will not be so severe as to make the proposal unacceptable.

On balance it is considered that the layout is such that sufficient distances are maintained between existing and proposed properties and that the proposal integrates well with its surroundings. Existing trees and hedges that are to be retained will help in this respect and additional landscaping and screening can be accommodated on site as required.

The proposal is therefore acceptable in broad landscape terms and is well integrated with its immediate surroundings.

Highways & Drainage issues:

There are no objections raised by Statutory Consultees.

Foul drainage will discharge into the public sewerage system and Welsh Water can foresee no problems with the treatment of domestic discharges from the site.

Technical details relating to surface water disposal have been submitted with the application. Both the domestic and the highway surface water run off will be accommodated on site via soakaway.

Statutory consultees are content with these proposals in principle subject to a detailed scheme being submitted and agreed prior to any commencement of development at the site. A new site access is proposed onto the A4080 highway. The Head of Service (Highways & Transportation) is satisfied that the proposed access is suitable and in reaching that conclusion will have had regard to the relevant standards, the characteristics of the site and the surrounding road network.

There are therefore no technical objections in relation to highways and drainage issues.

Affordable Housing:

The proposal triggers the requirement for affordable housing under policies 51 of the adopted Ynys Mon Local Plan and HP7 of the Stopped Unitary Development Plan.”

This was secured by way of a Section 106 agreement. A new agreement will need to be signed prior to the release of this permission.

7. Conclusion

As with any planning proposal there are points that can be made for and against. In this instance I have considered the substance of representations made by the public, the applicant and statutory consultees alike and have balanced these against the relevant policy context.

In doing this I have identified what I consider to be the main issues and my analysis is that on balance the proposal can be supported on policy grounds, I find that its impact on its surroundings, there are no technical objections and it will meet a housing need. I consider therefore that the application is acceptable and ought to be approved.”

As the material considerations have not changed since the application was approved there is no objection to the renewal of the permission.

8. Recommendation

Permit subject to the signing of a S106 agreement requiring the provision of 4 affordable dwellings

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.

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

Reason: To comply with the requirements of the Town & 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 & 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 & Country planning Act 1990.

(04) 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, unless otherwise agreed in writing with the local planning authority. Such works shall be erected following completion of the building(s) or the completion of the development, whichever is the sooner.

Reason: To ensure the satisfactory appearance of the development and to safeguard the character of the site and its setting on the edge of a rural area.

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

Reason: To ensure the satisfactory appearance of the development and to safeguard the character of the site and its setting on the edge of a rural area.

(06) 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 the satisfactory appearance of the development and to safeguard the character of the site and its setting on the edge of a rural area.

(07) Areas around all the trees to be retained as part of the development hereby permitted shall be protected during site clearance and construction work by a 1 metre minimum chestnut paling fence erected 1 metre outside the crowns of the trees or as otherwise agreed with the local planning authority. Within these areas the existing ground level shall be maintained and they shall not be used for the placing or storage of any materials, temporary buildings, plant, machinery or surplus soil. If any trenches for services are required within these areas they shall be excavated and backfilled by hand and any tree roots with a diameter of 50 mm. or more shall be left unsevered.

Reason: To ensure the satisfactory appearance of the development and to safeguard the character of the site and its setting on the edge of a rural area.

(08) The access shall be laid out and constructed strictly in accordance with the submitted plan before any work is commenced on the dwellings. The existing wall/fence/hedge along the boundary shall be removed and replaced along the line of the vision splays where they lie within the curtilage of the site.

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

(09) 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's boundary with the adjoining highway and nothing exceeding this height erected within 2m. of the said wall.

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

(10) The access shall be completed to a rolled and blinded hardcore finish with the surface water drainage system completed and in working order any work is commenced on the dwellings.

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

(11) 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.

(12) The estate road(s) shall be completed to a base course finish with the surface water drainage system complete and in working order before any work is commenced on the dwellings which it serves.

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

(13) The estate road(s) shall be kerbed and the carriageway and footways finally surfaces and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the work on the site or such any other period as may be agreed in writing with the L.P.A. whichever is the sooner.

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

(14) Foul water and surface water discharges shall be drained separately from the site

Reason: To protect the integrity of the public sewer.

(15) No surface water shall be allowed to connect directly or indirectly into the public sewerage system.

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.

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

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

(17) No development shall commence until 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 agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason; To ensure that effective drainage facilities for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

(18) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

Informatives

The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

Any adjustments, resiting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

The developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants.

The granting of planning permission does not entitle the developer to interfere with the Public Footpath.

The granting of planning permission does not entitle the developer to disturb any existing rights of way.

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.