

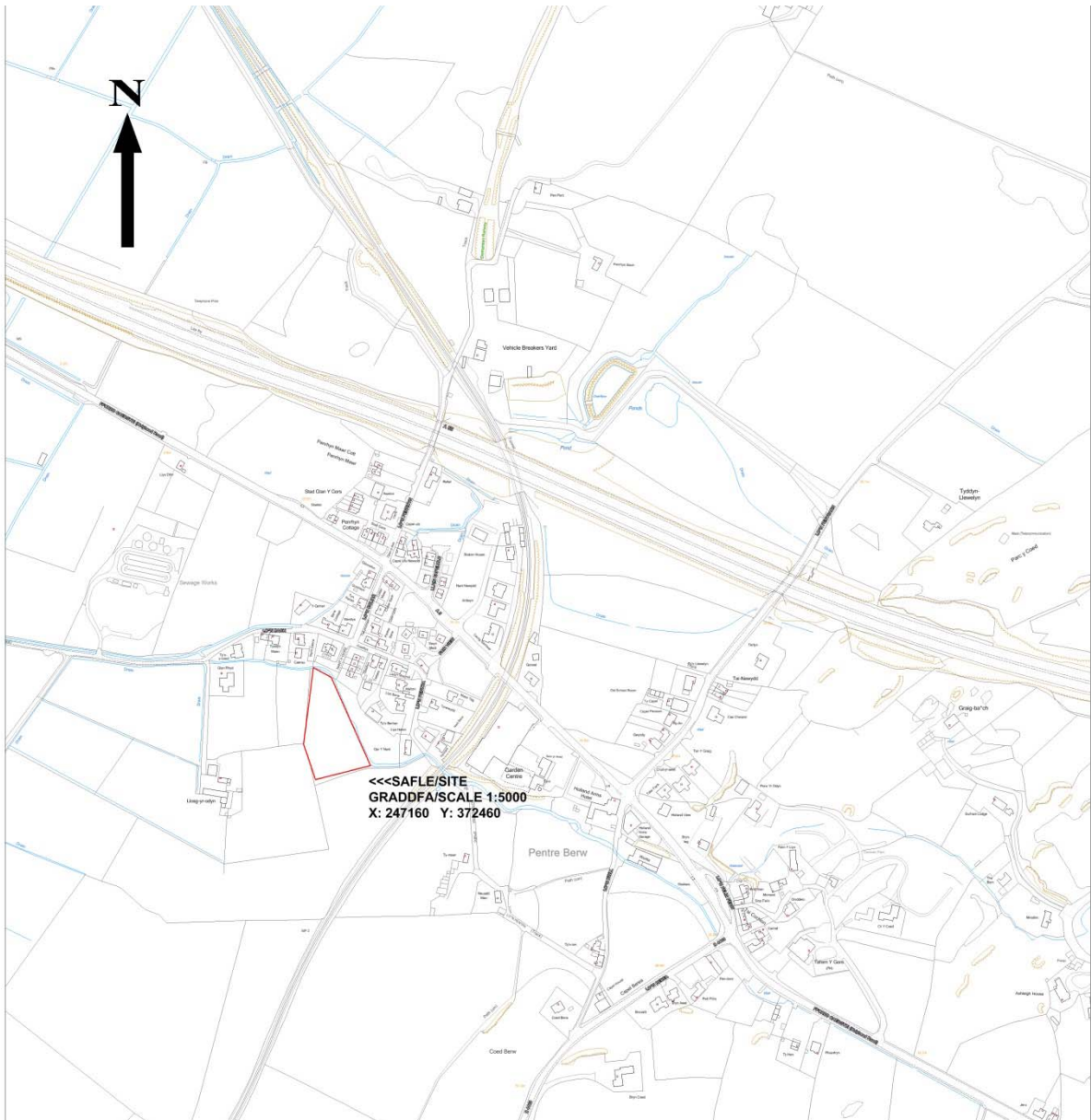
Rhif y Cais: **33C295B** Application Number

Ymgeisydd Applicant

Miss Rhian Hughes

Cais llawn i godi annedd newydd ynghyd ag addasu y mynedfa presennol ar dir ger / Full application for the erection of a dwelling together with alterations to the existing access on land adjacent to

4, Nant-y-Gors, Pentre Berw



Planning Committee: 01/04/2015

Report of Head of Planning Service (SCR)

Recommendation:

Permit

Reason for Reporting to Committee:

At the request of the Chairman of the Planning and Orders Committee.

At its meeting held on 4th March, 2015 the Members resolved to undertake a site visit prior to determining the application. The site was visited on 18th March and the members will be familiar with the site and its setting.

1. Proposal and Site

The proposal is a full application for the erection of a detached two storey dwelling together with alterations to the existing access.

The site comprises a plot of land within a large agricultural field, which is within the applicants' ownership, and is located to the south of the Nant y Gors residential estate in the village of Pentre Berw.

2. Key Issue(s)

The applications main issues are whether the proposal complies with current local and national policies, whether the proposal will have a detrimental effect on highway safety or affect the amenities of the occupants of the neighbouring properties.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 31 – Landscape

Policy 42 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlement

Gwynedd Structure Plan

Policy A2 – Housing

Policy D4 - Location, Siting and Design

Policy D28 – Design

Policy D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance Policy GP2 – Design

Policy EN1 – Landscape Character

Policy HP4 - Villages

Planning Policy Wales, 7th Edition 2014

Technical Advice Note 12: Design

Design Guide for the Urban and Rural Environment

4. Response to Consultation and Publicity

Community Council – No comments

Local Member, Cllr. V Hughes – No response to date

Local Member, Cllr H E Jones – No response to date

Welsh Water – Recommended conditional approval

Drainage Section – Comments

Highway Authority – Recommended conditional approval

Natural Resource Wales – No objection / standard informative

The application was afforded two means of publicity; these were by the posting of a notice near the site and the serving of personal notifications on the owners of neighbouring properties. Following the receipt of amended plans the publicity process has been carried out three times. The latest date for the receipt of representations was the 23rd January, 2015 and at the time of writing this report 6 letters of representation had been received from the owners of the three neighbouring properties. The main issues raised can be summarised as follows:

- i) Road serving the site is narrow. Parking problems exist in the locality, cars are parking on the road and the use of the existing access to the site would result in loss of parking spaces. Contractor's vehicles and delivery vehicles would worsen the situation. The number of cars parking on the road make it hard for emergency and refuse vehicles to visit the site
- ii) Biodiversity – Have surveys been carried out in terms of trees and wildlife that could be affected by the proposal.
- iii) Trees – the applicant has stated that no trees or hedge are located on the site – this is an untrue statement. A new boundary fence will change the landscape
- iv) Scale of dwelling is out of character with the surrounding area.
- v) Affect the legal right of way of adjoining property
- vi) Proposal would result in loss of value to neighbouring properties
- vii) Previous application was refused on highways and policy grounds – how can this proposal be acceptable?

In response to these comments I would state:

- i) Parking facilities will be provided within the site for the dwelling. Although it is acknowledged that

additional traffic will be generated by construction traffic this will be for a temporary period only and will not affect the amenities of the neighbouring properties to such a degree as to warrant the refusal of the application. The existing access to the site is to be utilised by the proposal and therefore this should not result in loss of parking spaces as this is an existing access. The Highway Authority has been consulted and have raised no objection to the proposal.

ii) A Protected Species Survey has been submitted as part of the application and Natural Resource Wales and the authority's Ecological and Environmental Advisor have been consulted and have raised no objection to the proposal.

iii) The applicant has submitted plans illustrating the location of trees on the boundary. Whilst the submitted plans illustrate a new boundary fence to enclose the garden area the existing trees along part of the boundary will also be retained. Due to the proposal being on the edge of the settlement adjoining a residential estate it is not considered that a erection of a 1.8 timber fence will detrimentally harm the surrounding landscape.

iv) Although the proposed dwelling is larger than the detached dwellings on the residential estate there are other properties of similar scale in the locality and therefore the proposal will not be out of character to the detriment of the locality

v) This is a private matter between individuals and is not a planning matter

vi) The erection of one dwelling on this site which is situated at a distance of more than twenty metres away from the adjoining properties should not have an impact on the value of the neighbouring properties. However paragraph 3.1.7 of Planning Policy Wales states that the planning system does not exist to protect the private interests of one person against the activities of another. Proposal should be considered in terms of their effect on the amenity and existing use of land and building in the public interest. The proposal as submitted will not have an adverse effect on the amenities of the surrounding properties or harm the surrounding landscape.

vii) The plot of land that formed planning application reference 33C295 was a much larger plot than the current application. The southern boundary of the scheme refused was 33.5 metres and the western boundary measured 33.5 metres. The southern boundary of the proposed plot currently under consideration measures 30 metres and the western boundary measures 25 metres long and therefore the current proposal is considered as an acceptable extension to the village.

During the course of determining planning application reference 33C295 the Highway Authority raised concerns that the proposal could lead to further residential developments and refused the application as the highway fronting Nant y Gors was inadequate to cater for additional traffic. However during the course of determining outline application reference 33C295A the Highway Authority stated that they could support an application for one dwelling provided that the applicant enter into a legal obligation that no further development would take place on the land to the rear of the site. It is not considered that a Section 106 Agreement is necessary as another dwelling to the rear of the site could not be supported in policy terms, however such an application would be considered on its own merits and in accordance with policies and guidance relevant at that time.

5. Relevant Planning History

33C295 – Outline application for the erection of a dwelling on land adjoining Nant Gors, Pentre Berw – Refused 31/05/12

33C295A – Outline application for the erection of a dwelling on land adjacent to 4 Nant y Gors, Pentre

Berw – Approved 19/12/12

Site history adjoining land

33C106 – Erection of a dwelling on part of OS 9042, Ty'n Berllan, Pentre Berw - Refused 08/12/89

33C106A - Erection of a dwelling on part of OS 9042, Ty'n Berllan, Pentre Berw - Refused 15/07/91

6. Main Planning Considerations

Policy Context - Pentre Berw is defined as a Listed Settlement under policy 50 of the Ynys Môn Local Plan and as a village under Policy HP4 of the stopped UDP.

Single plot application on the edge of a settlements are considered acceptable under Policy 50 of the Ynys Môn Local Plan.

Planning application reference number 33C295 (outline permission for one dwelling) was refused in May 2012 as the scale of the plot was much larger and the dwelling and its curtilage was situated further back into the agricultural field and therefore was not considered as an acceptable extension to the village as the dwelling was too far removed from the neighbouring properties. The scale of the plot was reduced and an amended outline application was re-submitted and approved for the erection of a dwelling under planning permission reference 33C295A.

The current application is a full application as the scale of the plot is larger than the plot that was approved under 33C295A. Although the plot size is larger than that approved the scale of the plot remains smaller than the original refused plot size (33C295) and therefore the proposal is considered as an acceptable 'infill/edge of settlement' plot and therefore complies with the requirements of Policy 50 of the Ynys Môn Local Plan.

During the consultation process the Joint Planning Policy Unit has requested justification on how the proposal would meet the requirements of the village community. However, as stated above outline planning permission has been granted on the site, , for the erection of a dwelling and this permission is extant.

Although the authority is currently carrying out a review into residential developments within listed settlements the current application is supported due to the fact that the extant outline planning permission for one dwelling on the site (valid until December 2015) and although the scale of the proposed plot is slightly larger than the approved plot scale the proposal is an acceptable extension to the settlement of Pentre Berw.

Highways Safety – Concerns have been raised by the occupants of the neighbouring properties in regards to highway safety and vehicles parking on the estate road. Parking provision for the occupants of the proposed dwelling will be provided within the site. The Highway Authority have been consulted and have raised no objection to the proposal.

Effect on neighbouring properties – There is a distance of more than 30 metres between the front of the proposed dwelling and the rear of the existing dwellings (5 and 6 Nant y Gors) and a distance of 20 metres between the side of the proposed dwelling and the side of 4 Nant y Gors. These distances more than comply with the requirements of Supplementary Planning Guidance Design Guide for the Urban and Rural Environment in terms of distances between properties. Due to these distances the proposal will not detrimentally harm the amenities currently enjoyed by the occupants of the dwellings to such a degree as to warrant the refusal of the application.

7. Conclusion

The proposal complies with current local and national policies. The proposal will not harm the amenities currently enjoyed by the occupants of neighbouring properties or have a detrimental impact on highway safety.

8. Recommendation

Permit

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

(02) 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: In the interest of the amenities of the locality.

(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: In the interest of the amenities of the locality.

(04) Foul water and surface water discharges shall be drained separately for the site.

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

(05) 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.

(06) 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.

(07) 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: To comply with the requirements of the Highway Authority.

(08) 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 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 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.

(11) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order) before the use hereby permitted is commenced.

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

(12) The turning area 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 comply with the requirements of the Highway Authority.

(13) Any gates erected at the access shall be set back a minimum distance of 5.0 metres from the nearside edge of the county highway.

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

(14) The development hereby approved shall be carried out in strict conformity with the details shown on the submitted plans and contained in the form of application and in any other documents accompanying such application, unless conditions of this permission stipulate otherwise.

Reason: For the avoidance of doubt.

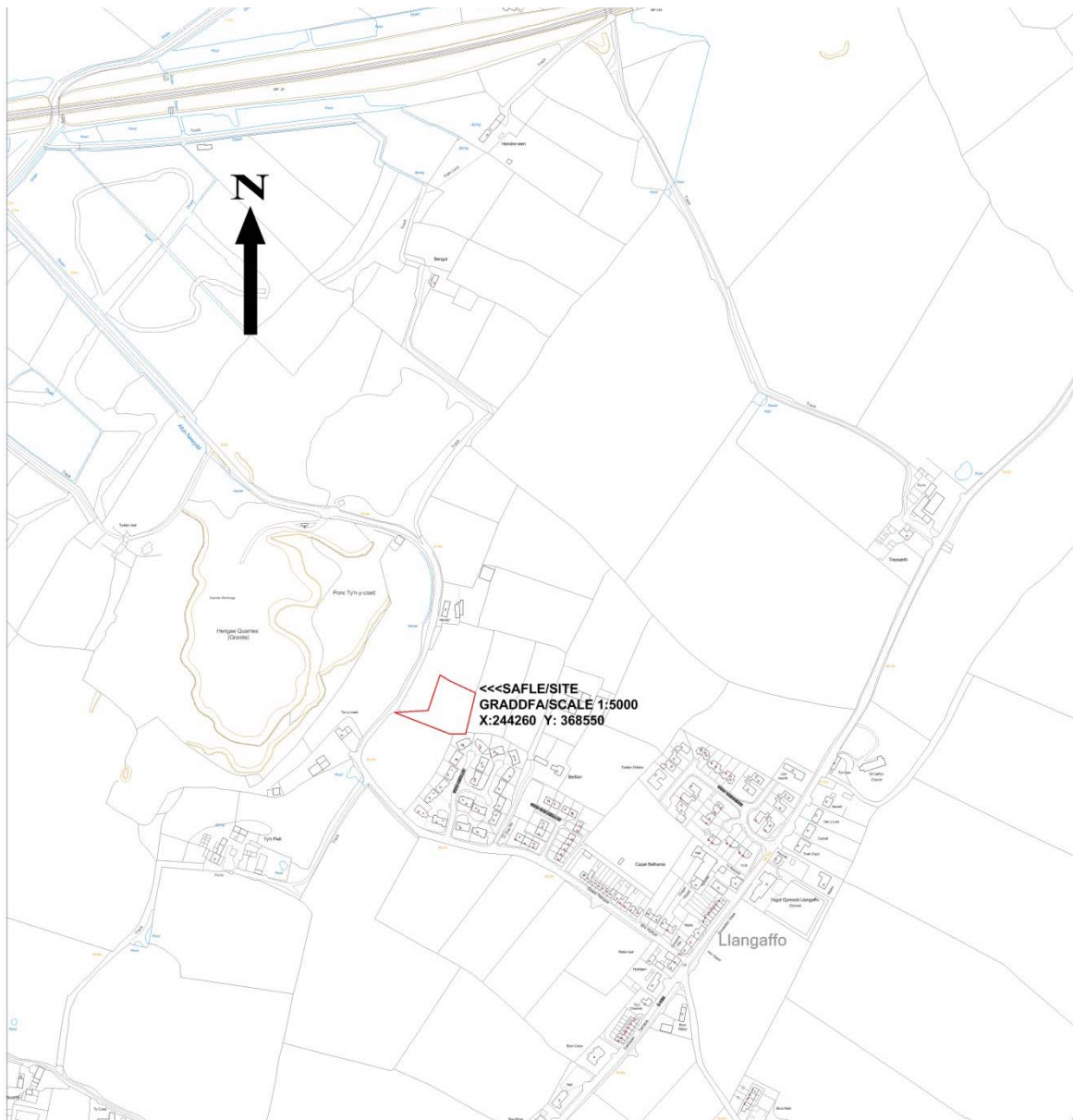
Rhif y Cais: **45C452** Application Number

Ymgeisydd Applicant

Mr & Mrs Ian Johnstone

Cais amlinellol ar gyfer codi annedd yn cynnwys manylion llawn y fynedfa ar dir ger / Outline application for the erection of a dwelling together with full details of access on land adjacent to

Stad Berllan, Llangaffo



Planning Committee: 01/04/2015

Report of Head of Planning Service (NJ)

Recommendation:

Refuse

Reason for Reporting to Committee:

The application has been called-in by Cllr Ann Griffith for a Committee decision. The Planning and Orders Committee at its meeting held on 4th March 2015 resolved to visit the site prior to making its determination. The site was visited on 18th March.

1. Proposal and Site

The application site is located adjoining the boundary of 10 Stad Berllan on part of an agricultural field enclosure. Access to the proposed plot will be taken off the minor road to the north west of the housing estate. The application is an outline application for the erection of a single dwelling with all matters reserved apart from access to the site.

2. Key Issue(s)

Compliance with Policy 50 of the Ynys Mon Local Plan.

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 5 – Design

Policy 48 – Housing Development Criteria

Policy 50 – Listed Settlements

Policy 53 – Housing in the Countryside

Gwynedd Structure Plan

Policy A2 – Housing Land

Policy A3 – Scale and Phasing of New Housing Development

Policy A6 – Housing in the Countryside

Stopped Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy GP2 – Design

Policy HP4 – Villages

Policy HP6 – Dwellings in the Open Countryside

Policy SG4 – Foul Sewage Disposal

Planning Policy Wales (Edition 7)

Technical Advice Note 12 Design

SPG – Design Guide for the Urban and Rural Environment

Circular 10/99 Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development.

4. Response to Consultation and Publicity

Town Council- No reply at the time of writing

Cllr Ann Griffith – requests that the application be determined by the Committee

Cllr Peter Rogers– no reply at the time of writing

Highways Authority – Insufficient visibility at the access as shown on the drawings submitted. The applicant has sufficient land to provide adequate access

Dwr Cymru-Welsh Water – No reply at the time of writing

Drainage Section- developer should investigate the feasibility of connecting to the main sewer

Response to Publicity

The application has been publicised by personal notification and site notice with an expiry date for receipt of representations of 20th February 2015. At the time of writing, no letters of objection had been received.

5. Relevant Planning History

None

6. Main Planning Considerations

Principle of the Development: The application is an outline application for the erection of a dwelling within part of an agricultural field enclosure onto which the housing estate at Stad Berllan backs. Llangaffo is included as a Listed Settlement under Policy 50 of the Ynys Mon Local Plan. Policy 50 normally allows the development of single plots within or on the edge of the settlements listed subject to criteria including that the proposal is clearly within, or forms a reasonable minor extension to the existing developed part of the settlement, and would not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality. The road network in the vicinity of the plot is part of the national cycle route.

Llangaffo is included as a village under Policy HP4 of the Stopped UDP. The site is located outside but adjoining the development boundary of the village. The Ynys Mon Local Plan together with the Gwynedd Structure Plan forms the development plan for planning purposes whilst the Stopped UDP is a material consideration afforded significant weight.

The first consideration is to assess the proposal against Policy 50. The proposed plot has a boundary contiguous with part of the garden of 10 Stad Berllan but in all other respects fails to meet Policy 50 criteria. Access to the plot would be approximately 175m out of the edge of the village along a country lane. The focus would be on the access and the development would have its back to the village. In landscape terms it would be read as a separate development in a countryside location not as a small infill or extension to the existing developed part of the settlement. This would be exacerbated by the gentle rise in the land from the road and by the existing hedges forming the field boundaries which would retain a clear distinction between the development and the remainder of the village and over

which only part of the roofs of existing development is visible.

The site is excluded from the development boundary of Llangaffo under the Stopped UDP. Whilst the development of single plots in listed settlements are principally considered under Policy 50 of the Local Plan, the UDP is a material consideration afforded significant weight in the decision making process. The plot is outside the UDP boundary for the village.

Non-compliance with Policy 50 (together with non-compliance with Policy HP4 of the Stopped UDP) renders this proposal an application for a new dwelling in a countryside location for which no long term need is known to exist to support a rural enterprise.

Highways: The access shown on the submitted plans does not provide sufficient visibility. The applicant has sufficient land in his ownership / control to provide a suitable access but amended details have not been requested from the applicant so as not to put him to additional expense when the principle of the development is not supported in policy terms. A revised access arrangement would require removal of roadside hedges which would exacerbate the landscape and visual impacts of the proposal and heighten its incongruity.

Drainage: The proposal includes a septic tank to serve the development (as indicated in the application forms and on the submitted drawings). However, in accordance with national planning policy and the advice contained within Circular 10/99, developments should connect into mains drainage systems where such systems are available. Although the scheme is acknowledged to be connectable, the applicant prefers not to connect due to the apparent unreliability of the system (sewage surcharge incidents are cited) as well as wishing to avoid disruption to neighbours. These in themselves are not sufficient reasons in accordance with national planning policy advice to prefer other methods of foul drainage. The response from the applicant indicates that he is proposing a sewage treatment plant which is at odds with the details provided in the application as submitted. Failure to fully investigate connection to the mains system is contrary to Policy SG4 of the Stopped UDP and Circular 10/99 advice.

Residential Amenity: The proposed dwelling would back onto the nearest neighbouring dwelling and would be separated from the site by existing hedges. It is not considered that any issues of overlooking or loss of privacy would occur. The access to the site is taken from the west and vehicular movements are unlikely to affect neighbouring occupiers.

Level of Housing Provision under Policy 50: Concern has been expressed by the Committee in relation to the level of housing provided under Policy 50 in some settlements and a methodology has been devised to consider such applications. As this proposal does not comply with Policy 50 there is no need to consider the level of housing provision in Llangaffo under Policy 50.

7. Conclusion

The proposal does not constitute development which can reasonably be described as being within or adjoining the existing developed part of the settlement. The test for 'adjoining the existing developed part of the settlement' is more complex than merely sharing a contiguous boundary with an existing dwelling. The proposal is physically and visually removed from the settlement and would constitute an undesirable new dwelling in a countryside location. The proposal does not adequately investigate connection to the main drainage system.

8. Recommendation

To **refuse** the application for the following reasons:

(01) The local planning authority does not consider that the proposed development is within or forms a reasonable minor extension to the existing developed part of the settlement of Llangaffo which is included as a Listed settlement under Policy 50 of the Ynys Mon Local Plan. The proposal is physically and visually removed from the settlement and would amount to the erection of a new dwelling in the countryside for which no long term need is known to exist for the purposes of supporting a rural enterprise; the development would therefore be contrary to the approved Policy A6 of the Gwynedd Structure Plan, Policies 48, 50 53 of the Ynys Môn Local Plan, Policy HP4 and Policy HP6 of the stopped Unitary Development Plan and the advice contained within Planning Policy Wales (7th Edition) and Technical Advice Note 6: Planning for Sustainable Rural Communities.

(02) The developer has not fully investigated the feasibility of connecting the development to the mains sewerage system. The proposal is therefore contrary to Policies 1 and 48 of the Ynys Mon Local Plan and Policy SG4 of the Stopped Unitary Development Plan together with the advice contained within Planning Policy Wales (7th Edition) and Circular 10/99 'Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development'.