

Planning Committee: 02/12/2015

Report of Head of Planning Service (MTD)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is reported to the Planning Committee as it is a departure from the development plan.

1. Proposal and Site

This proposal was approved in 2010 and this application seeks to extend the life of the permission by another 5 years

The previous report has been updated and reproduced.

The application site encompasses a former nursing home, and its extensive gardens which are located in an elevated position above the A545 on the western approach to Beaumaris within an area forming part of the Area of Outstanding Natural Beauty. Landslip onto the A545 from the application site has occurred in recent years. The existing buildings on the application site are predominantly single storey, and there are a variety of mature trees within the grounds which are subject to TPO's. Access to the application site is via "Allt Goch Bach or Cemetery Lane" which forms a junction with A545 to the north east in proximity to the "Cae Mair" residential area.

The application is made to demolish the existing buildings and replace them with 2, 3 storey buildings containing 35 apartments. The applicants are proposing that the occupancy of the development is restricted to over 55's via 106 agreements and have confirmed that the development is C3 (residential) sheltered housing scheme.

The Officers have been in discussion with the developer for some time in order to design a scheme of development which would be acceptable from a planning point of view.

Highway improvements are proposed to the proposed vehicular access at "Allt Goch Fach" which leads up the application site from the A545. The applicants are also proposing to undertake stabilization works to the application site which slopes down to the A545.

2. Key Issue(s)

- Principle of development.
- Area of Outstanding Natural Beauty
- Highways & Parking

3. Main Policies

Gwynedd Structure Plan

A9 (Affordable Housing)

A10 (Sheltered Housing & Residential Homes for the Elderly)

FF15 (Pedestrian & Disables Access)

D1 (AONB)

Ynys Môn Local Plan

30 (Landscape)

48 (Housing Development Criteria)

49 (Defined Settlements)

30 (AONB)

Stopped Ynys Môn Unitary Development Plan

HP7 (Affordable Housing)

HP11 (Residential & Nursing Homes)

TR9 (Walking, Cycling & Horse Riding) EN1(Landscape Character)

EN2 (AONB)

4. Response to Consultation and Publicity

Local Member Lewis Davies considers that the application can be dealt with by Officers.

Beaumaris Town Council considers that the application is contrary to policy and the life of a planning permission cannot be extended by way of an application under S73 of the T&CP Act 1990. In addition their original letter of objection has been submitted and the original reporting of this is reproduced here:

Community Council - Beaumaris Town Council is totally opposed to any changes in the road layout. "Allt Goch Fach" is a steep narrow lane that is frequently used by persons travelling to and from Baron Hill Golf Course & Beaumaris Cemetery, as well as local residents. Any further restriction in width of the carriageway, for example by constructing build outs, should not be considered. The Town Council is also opposed to the development as it considers that it will have a substantial adverse impact on the AONB and the essential setting of the historic conservation area of the town. The proposal to move the footprint of the development area closer to the Menai Strait and build lower down the existing bank will substantially increase the mass of the buildings that will be visible from the town, offshore and the mainland. There are further concerns about the stability of the bank that has already suffered several landslips. The access road, Allt Goch Fach is totally inadequate for such a large development. The road is steep, narrow and already inadequate for traffic to and from Baron Hill Golf Course 7 funeral vehicles. There is no room for a pavement and the suggested installation of street lights is opposed because of the adverse effect this would have on neighbouring properties in terms of light pollution. The provision of parking for the proposed development is inadequate and it is felt that it does not conform to planning guidance. As allocation for residences for persons over 55, it seems unsatisfactory; pedestrian access is difficult and the steepness of the hill prohibits negotiation by mobility scooters. There are already adequate properties suitable for the over 55 age range in Beaumaris. Refusal recommended. Beaumaris Town Council continues to be totally opposed to this proposed development which would be totally out of character with the surrounding area and detrimental in the nature and setting of the historic town of Beaumaris. Development would be a hideous blot on the landscape having an unacceptable impact on the AONB, Beaumaris Castle & World Heritage Site –Menai Straits should be protected from development of this nature. Allt Goch unsuitable –snarrow, steep single track road. The site is immediately above an unstable bank which has not been stabilised, Need is for accommodation for young people. Overwhelming local opposition to the development.

Highways - Conditional permission.

Drainage - Technical considerations listed.

National Resources Wales No objection..

Welsh Water – No objection.

CADW - Whilst it is a large scale development in its immediate context. CADW does not consider that it represents development likely to have more than local importance on an area in the Register of Historic Landscapes.

Gwynedd Council - No objection in principle, concerns expressed about the effects of the development on the visual amenities of the area in terms of scale and mass.

In representations received points raised include:

The additional heavy traffic would be intolerable
The steep road is not suitable for this development
The land is not stable
Was not granted on planning grounds previously

5. Relevant Planning History

B/11/54 Extension to bungalow. Approved 21.07.54

B/8/54 Erection of three garages 21/04/54

B/2151 Bungalow Approved 18.04.87.

12C49 Change of use of dwelling to form residential care home for the elderly accommodating 15 persons together with conversion of existing garage and store to form owners accommodation, Conditional permission subject to a 106 agreement 28.07.89.

12C49A Conversion of existing bungalow together with extension thereto so as to provide accommodation for 15 elderly persons. Conditional permission 30.09.87.

12C49B Erection of a dwelling Refused 30.09.89.

12C49C Erection of a dwelling Conditional permission 13.10.89.

12C49D Detailed plans for 12C49C Conditional permission 01.05.90.

12C49F Extension of nursing home to form 10 bedrooms Conditional permission 30.07.92.

12C49G Detailed plans for the erection of a dormer bungalow Conditional permission 11.05.90

12C49K Erection of 35 residential units Approved 15/4/10

6. Main Planning Considerations

Principle of Development Having regard to the provisions of section 38(6) of the 2004 and act, determination must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Anglesey comprises the approved Gwynedd Structure Plan (approved November 1993) and the adopted Ynys Mon Local Plan (December 1996).

Policies A10 of the Gwynedd Structure Plan states that sheltered housing will be permitted subject to the listed criteria which do not include a requirement that they are located within settlements.

Policy 49 of the Ynys Mon local plan states planning permission for residential development will be permitted within the settlement boundaries of the listed towns and villages, which include Beaumaris. Supporting text 5.44 of the Ynys Mon Local Plan states that decisions on sheltered housing will be made in accordance with the Structure Plan, this is only supporting text and not a policy. The application has been advertised as a departure because it is made for residential development outside the defined settlement boundary for Beaumaris in the Ynys Mon Local Plan.

On 1st December 2005 the County Council voted to implement the transitional arrangements set out in the LDP Wales regulations and to “stop work” on the Ynys Mon Unitary Development Plan “UDP”. The deposit plan of 2001, as amended by the Inspector's report, remains a material planning consideration carrying weight commensurate to the stage it reached. Beaumaris is identified as a Secondary Centre under the provisions of policy HP3 of the “UDP”. The settlement boundary for Beaumaris has been amended under the provisions of the “UDP & the application site is within the settlement boundary. In view of the advanced stage reached in the preparation of the “UDP” significant weight can be attributed to its provisions.

Having weighted the provisions of material policies and supporting text described above in relation to sheltered housing in addition to the advanced stage reached in the preparation of the “UDP” means that in this instance weight can be attributed such as to outweigh the provisions of the development plan. The principle of the development is acceptable under the provisions of the above listed policies; effects of the proposal on the locality are assessed below.

Landscape and Visual Impact The application site is located in an elevated location in relative proximity to the conservation and the Menai Straits within an Area designated as Area of Outstanding Natural Beauty and affects the setting of a grade II listed building at “Allt Goch Bach”. Photomontages have been submitted illustrating views of the development from agreed viewpoints in relation to these statutory designations. It is not considered that the height, massing and design would not result in an intrusive feature to the detriment of the character and amenities of the surrounding area, mitigation is also proposed in the form of a landscaping scheme.

Highways, Parking and Pedestrian Safety It is acknowledged that “Allt Goch Fach” leading to the application is narrow and would not normally be suitable for this scale of development. This needs to be weighted in relation to the existing use of the site as a nursing home as detailed in the Transport Assessment accompanying the application. In addition weight needs to be attributed to the highway improvements to the proposed vehicular access and Allt Goch Fach leading to the application site from the A545 which has been subject to a safety audit by the Highways Section of the council. In addition long term stabilisation works are proposed to the slope forming part of the application site above the A545 amounting to £832k. Having weighted all these material considerations the Highways Section have recommended conditional permission.

Affordability: Policy A9 of the Gwynedd Structure Plan, 51 of the Ynys Mon Local Plan, HP7 of the Stopped Anglesey Unitary Development Plan and the council's Supplementary Planning Guidance on Affordable Housing requires that an element of affordable housing is provided on large sites of 10 or more dwellings. Having assessed exceptional costings submitted as part of the development such as the stabilisation works above the applicants have agreed to an affordable housing contribution of £100k as Detailed in the recommendation below.

Foul and Surface Water Drainage Surface water from the development is piped into the Menai Straits & Foul drainage would be disposed of with a private treatment plant and the effluent

discharged directly into the Menai Straits. Subject to separate consent required this is considered acceptable.

Ground Stability

Concerns have been raised about the stability of the development in view of the geology and ground conditions of this sloping site. These concerns were passed to the applicants who confirmed that these factors have been taken into account in designing the scheme by their consulting engineers.

Matters raised in Objections received

There are two Tree Preservation Order designations on the application site. The proposed works will not have a detrimental impact on the Tree Preservation Order & is considered acceptable.

7. Conclusion

Having assessed all material considerations the development is considered acceptable and an unilateral undertaking has already been completed, permission can be granted subject to the obligations and conditions detailed below.

8. Recommendation

*The Head of Planning Service **permit** the development subject to a Unilateral Undertaking containing the following provisions:*

- Restriction of occupation to persons over 55 years of age,
- Affordable housing contribution of £100,000 to be made to the local planning authority.

(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) The development hereby permitted 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. (to be listed in table form upon issuing).

Reason: To ensure that the development is implemented in accord with the approved details.

(03) The front elevation of the development hereby approved shall where specified on the plans hereby approved be faced with a local natural stone or with a natural stone of equivalent colour texture and weathering characteristics.

Reason: To ensure a satisfactory appearance of the development.

(04) The building hereby permitted shall only be constructed with the slab level indicated on the plans hereby approved, unless otherwise approved in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

(05) The development hereby permitted shall be roofed with natural Welsh heather blue, heather red or heather grey mineral slates, unless alternative natural mineral slates of equivalent colour, texture and weathering characteristics are approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance of the development.

(06) No development shall take place until a scheme of landscaping and tree planting for the site which provides for the retention of existing trees has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density and distinguish those trees to be retained showing their species, spread and maturity together with measures for their protection in the course of development. The approved new planting shall be implemented no later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of development.

Reason In the interests of the visual amenities of the rural areas which forms part of a Special Landscape Area.

(07) Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the locality.

(08) The scheme for parking, garaging and manoeuvring illustrated on the plans hereby approved (or any other drawing as may be approved in writing by the local planning authority) shall be laid out prior to the occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose, unless otherwise approved in writing by the local planning authority. No jet ski or boat (including any associated trailer) shall be parked or stored on the application site.

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

(09) The development shall only be used as residential apartments for the residents over 55 and associated communal facilities under the provisions Class C3 (Dwelling houses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended) or any Order revoking or re enacting that Order.

Reason: To define the scope of this permission to ensure that inappropriate uses do not take place.

(10) No development shall take place (unless otherwise approved in writing by the local planning authority) until full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls, fences or hedges has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed, erected or planted prior to the occupation of the development hereby approved.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

(11) No development shall commence until a “scheme” for foul, surface and land drainage of the development has been submitted to and approved in writing by the local planning authority. The approved “scheme” shall be completed and operational before any of the apartments hereby approved are occupied.

Reason: In order to ensure that the development is adequately drained.

(12) Full details of all external lighting and a report on any light spillage (lux levels) from the development (from internal and external light sources) onto any surrounding land or properties shall be submitted to an approved in writing by the Local Planning Authority before building or other operations start. The use of the lights shall not commence until the lighting has been installed in accord with the details approved in writing and to the satisfaction of the Local Planning Authority. Thereafter the approved details shall be retained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of occupants of the surrounding properties.

(13) The access shall be laid out and constructed strictly in accordance with the approved 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 minimise danger and inconvenience to highway users.

(14) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in perfect working order before the use hereby permitted is commenced.

Reason: To minimise danger and inconvenience to highway users.

(15) No other part of the development shall commence until the slope stabilisation scheme as submitted, above the A545, together with associated drainage works, has been completed to the satisfaction of, and approved in writing by the local planning authority.

Reason: To minimise danger and inconvenience to highway users.

(16) No development shall commence until an approved Highway Improvement Scheme (provision of anti skid surface; improved lighting, road markings and signage has been approved in writing by the LPA. The approved highway improvement scheme shall be completed before any of the apartments are occupied.

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

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.

9. Other Relevant Policies

Gwynedd Structure Plan

D14 (Broad Leaved Woodland)

D28 (Natural Mineral Slate)

D29 (Design)

FF11 (Traffic)

FF12 (Parking Standards)

Ynys Môn Local Plan

1 (General Policy)

26 (Parking)

31 (Landscape)

42 (Design)

48 Housing Development Criteria

Stopped Anglesey Unitary Development Plan

GP1 (Development Control Guidance)

GP2 (Design)

TR10 (Parking Standards)

EN1 (Landscape Character)

SG5 (Private Sewage Treatment Facilities).

Ministerial Interim Planning Policy Statement (MIPPS) 01/2008 - on Good Design

Isle of Anglesey Parking Standards (2008)

Isle of Anglesey Design Guide (2008)