

**7.1**

**Gweddill y Ceisiadau**

**Remainder Applications**

Rhif y Cais: **33C289B** Application Number

Ymgeisydd Applicant

**Mr. & Mrs. S. Owen  
c/o CDN Planning (Wales) Ltd  
1 Connaught House  
Riverside Business Park  
Benarth Road  
Conwy  
LL32 8UB**

Cais llawn ar gyfer dymchwel yr annedd a modurdy, codi pedwar ty dau lawr arwahan ynghyd ag addasu y fynedfa i gerbydau yn

Full application for the demolition of the dwelling and garage, erection of four two storey detached dwellings together with alterations to the vehicular access at

Ty Newydd, Pentre Berw



**Planning Committee: 05/09/2012**

**Report of Head of Planning Service (SCR)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

At the request at the Local Member.

Members will recall that at it's meeting that was held on the 25<sup>th</sup> July, 2012 it was resolved to defer the determining of the application in order to carry out a site visit.

The site was visited on the 22<sup>nd</sup> August, 2012 and the Members will now be familiar with the site and its setting.

During the site visit concerns were raised regarding the contents of the Minutes of the Planning and Orders Committee that was held on the 5<sup>th</sup> October, 2011 regarding planning application 33C289. In order to discuss the matter further a copy of the minutes are appended to this report as Appendix 1.

**1. Proposal and Site**

The proposal is a full application for the demolition of the existing dwelling (known as Ty Newydd, Pentre Berw), and associated private garage together with the erection of four, two-storey detached dwellings and alterations to the existing vehicular access.

The application site is situated within the village of Pentre Berw.

**2. Key Issue(s)**

The applications main issues are whether the proposal complies with current policies, whether the proposal will have an adverse affect on the amenities of the occupants of neighbouring properties or on highway safety.

**3. Main Policies**

**Ynys Môn Local Plan**

Policy 1 – General Policy  
Policy 42 – Design  
Policy 48 – Housing Development Criteria  
Policy 50 – Listed Settlement

**Gwynedd Structure Plan**

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 HP4 – Villages  
Policy SG4 – Foul Sewage Disposal  
Policy SG6 – Surface Water Run-Off

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

**Planning Policy Wales (4<sup>th</sup> Edition – February 2011)**

#### **4. Response to Consultation and Publicity**

Local Member – Call-in – Strongly Objects to the application – parishioner agree that the first application should not have been approved

Community Council – Object – the road that leads to the access is unsuitable and narrow. The proposal would worsen the situation with the additional traffic

Drainage – Drainage details appear satisfactory – recommended conditional approval

Highways – Recommended conditional approval

Welsh Water – Recommended conditional approval

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 occupants of neighbouring properties. Following the receipt of amended plans the publicity process was carried out twice. The latest date for the receipt of representations was the 24<sup>th</sup> July, 2012 and at the time of writing this report 3 letters of objection had been received at the department. The main issues raised were:

- (i) Access to the site is a single track road and cannot cater for additional traffic generated by proposal
- (ii) Two storey dwelling will dominate the neighbouring properties which are bungalows and will result in loss of privacy and thus loss in value of properties
- (iii) Noise and pollution during construction works and noise generated by traffic movements following the occupation of the dwellings
- (iv) Insufficient parking spaces for development
- (v) Proposal would result in three new vehicular openings onto the highway

In response to these comments I would state:

- (i) The Highway Authority have raised no objection to the proposal and have recommended that the application be approved subject to conditions.
- (ii) The immediate neighbouring properties are of a single storey however there is no distinct character in the vicinity of the application. The height of the proposed dwellings at the front of the site (nearer to the highway) will be approximately 1.75 metres higher than the immediate neighbouring properties. The two new dwellings to the rear of the site will be approximately 2.2 metres higher than the immediate neighbouring properties.

(iii) It is acknowledged that the proposal could result in noise and dust pollution during the construction of the proposed dwelling however this will only be during the short period of construction and therefore should not affect the amenities of the surrounding properties to such a degree as to warrant the refusal of the application. The site is situated within the settlement of Pentre Berw and vehicular traffic to the neighbouring properties currently use the highway and the erection of an additional three dwellings will not result in additional traffic movements to such a degree as to detrimentally affect the amenities of the neighbouring properties.

(iv) The proposal provides parking spaces for approximately 6 parking spaces and three additional spaces in garages. The Highway Authority have confirmed that they do not object to the proposal and have recommended a conditional approval

## **5. Relevant Planning History**

33C289 – Outline application for the erection of 3 dwellings together with the construction of a new vehicular and pedestrian access on land at Ty Newydd, Pentre Berw – Approved 06/10/11

33C289A – Prior notification for the demolition of the dwelling known as Ty Newydd, Pentre Berw – Planning permission not required 05/04/12

## **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 Unitary Development Plan. The application site is situated within the development boundary of the village of Pentre Berw as defined under policy HP4 of the stopped Unitary Development Plan.

The application currently under consideration is for the demolition of the dwelling that currently occupies the site together with the erection of four new dwellings within the curtilage of the property. The application is therefore determined under policy HP4 of the stopped Unitary Development Plan. The proposal complies with Policy HP4 of the stopped Unitary Development Plan which allows dwellings provided that they are situated within the development boundary.

The site lies within the curtilage of the former dwelling known as Ty Newydd and therefore complies with the requirements of Planning Policy Wales (4<sup>th</sup> Edition) which states that previously developed land is used in preference to Greenfield sites.

**Affect on neighbouring properties** - Concern has been raised that the proposed dwelling could overlook the neighbouring properties. Although there is only 6 metres between Plot 4 and the existing property known as Swyn Medi (to the north of the site) however the dwellings are not immediately facing each other and a condition will be imposed on the permission to provide screening along the boundary of the site with the adjoining properties it is not considered that the proposal will affect the amenities of the occupants of neighbouring properties. No windows are proposed in the gables of any of the four proposed dwellings.

Although the proposal does not fully comply with the requirements of Chapter 9 – (Proximity of Development) of the document titled 'Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment', in terms of distances, it is considered that screening along the boundary between the site and both neighbouring properties will ensure that the proposal will not detrimentally affect the amenities of the occupants of the neighbouring properties to such a degree as to warrant the refusal of the application.

A permitted development restriction condition will be imposed on the permission in order to ensure that the amenities currently enjoyed by the occupants of the neighbouring properties are safeguarded.

**Highway Safety** – Concern has been raised on the possible affect of the proposal on highway safety by the Local Member, Community Council and Members of the public. The application has been forwarded to the Highway Authority. They have confirmed that there is no objection to the scheme and have recommended a conditional approval.

## **7. Conclusion**

The proposal will not have an adverse affect on the occupants of the surrounding properties or detrimentally affect the amenities of the occupants of the neighbouring properties.

## **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) Foul water and surface water discharges must be drained seperately 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) No development shall commence until drainage design calculations have been submitted to and approved in writing by the local planning authority. This scheme shall be implemented as submitted.**

Reason: To ensure that the site can be adequately drained

**(06) The dwellings 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.

**(07) 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 1 credits under 'Ene 1 - Dwelling Emission Rate', has been achieved for the dwellings 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.

**(08) 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 1 credits under 'Ene 1 - Dwelling Emission Rate', has been achieved for the dwellings 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.

**(09) The provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: To protect the amenities of nearby residential occupiers.

**(10) Screening shall be provided along the boundary of the site, from point A to B and C to D, as outlined in green on the attached drawing reference PL01C, details of which shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwellings hereby approved.**

Reason: For the avoidance of doubt

**(11) No part of the development shall commence until the access and road widening works have been 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.

**(12) The access shall be completed with an asphalt/concrete surface 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.

**(13) No surface water from within the curtilage of the site to discharge onto the County Highway. The drainage of the highway at the access along the frontage to be carried out to the requirements of the Highway Authority before any work on the remainder of the development is commenced.**

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

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

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

**(15) The development permitted by this consent shall be carried out strictly in accordance with the**

**plan(s) submitted on the 21:03:12 and 21:06:12 under planning application reference 33C289B and the details which may be required to be approved under the above conditions.**

Reason: For the avoidance of doubt.

## PLANNING & ORDERS COMMITTEE

### Minutes of the meeting held on 5<sup>th</sup> October 2011

<b>PRESENT:</b>	Councillor John Arwel Roberts - Chair  Councillors W.J.Chorlton; E.G.Davies; Lewis Davies; Jim Evans; K.P.Hughes; W.T.Hughes; T.H.Jones; R.L.Owen; H.W.Thomas; J.Penri Williams;
<b>ALSO PRESENT :</b>	Councillor Eric Jones (12.7); Rhian Medi (12.8);
<b>IN ATTENDANCE:</b>	Planning Development Manager (DFJ); Planning Assistant; Legal Services Manager (RJ); Senior Engineer (Development Control); Development Control Officer (RE); Committee Officer (JMA) ; Admin.Assistant (SWJ);

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#### 1 APOLOGIES

Apology for absence by Councillor C.McGregor and Councillor Eric Roberts.

#### 2 DECLARATION OF INTEREST

Declarations of interest were received and recorded under the respective items.

#### 3 MINUTES

Submitted and confirmed as a true record, the minutes of the meeting of the Planning and Orders Committee held on 7<sup>th</sup> September 2011.

#### 4 SITE VISITS

No Site Visits held following the 7<sup>th</sup> September 2011 meeting.

#### 5 PUBLIC SPEAKING

The Chair reported that there would be public speakers in respect of applications 7.1 and 12.1.

#### 6 DEFERRED APPLICATIONS

None to be considered at this meeting.

#### 7. APPLICATIONS ARISING ON THE MINUTES

**7.1 – 35C87C – Conversion of existing outbuildings into 7 residential units together with the installation of private treatment plant at Tros y Marian, Llangoed**

*(Declaration of interest by Councillors Lewis Davies and Hefin Thomas both of whom withdrew from the meeting during the discussion on the application).*



**RESOLVED:**

- (i) to approve the application in accordance with the Officer's recommendation and subject to the conditions outlined within his report.
- (ii) that no site visit would be held;

**12.6 – 31C212B – Full application for the erection of an agricultural shed for the housing of livestock at Hendy, Llanfairpwll.**

*Declaration of interest by Mr Richard Eames who left the meeting during the discussion and voting on the application.*

***This application was dealt with in conjunction with application 12.5 above.***

**12.7 – 33C2879 – Outline application for the erection of 3 dwellings together with the construction of a vehicular and pedestrian access on land at Ty Newydd, Pentre Berw.**

The Chair invited the Local Member, Councillor Eric Jones, to address the meeting. Councillor Jones said he was surprised that the Officer's were recommending this application be approved. He said the road leading to the site was approximately 150 yards long and served 15 properties. It was a dead end road with no passing places. Refuse lorries had failed to go up the road due to the fact that vehicles had parked along the side of the road. He said three additional properties would cause bedlam. He referred to problems which could arise in the event of access being required for emergency vehicles. He referred to the section on Key Issues contained within the Officer's report and to the reference to "whether the proposal will have an adverse affect on the amenities of the occupants of neighbouring properties or on highway safety." He believed both aspects to be relevant and urged Members to visit the site prior to determining the application.

The Senior Engineer (Development control) said he had carefully considered the application and did not feel an additional three properties would impact adversely on the area. The road has very low speed restrictions and has been widened at the far end to allow for turning space. Councillor Eric Jones said there are no passing places other than on to land belonging to other house owners on the road. The Officer again confirmed he was satisfied with the application and had no evidence of accidents on the road. The Local Member concluded that the introduction of three additional properties along the road would be "an accident waiting to happen."

The Chairman said he believed a Site Visit would be a waste of time and asked the Committee to vote on the application.

Councillor John Arwel Roberts proposed and Councillor John Penri Williams seconded the proposal that the application be approved.

**RESOLVED to approve the application in accordance with the Officer's recommendation and subject to the conditions contained within his report.**

**12.8 – 34LPA945/CC – Outline application with some matters reserved for the erection of a dormer bungalow together with the construction of a new access on land at Saith Aelwyd, Rhosmeirch.**

The Chairman invited the Local Member, Councillor Rhian Medi to address the Committee. Councillor Medi said she was not happy with the proposal as she considered it to be ribbon development. She drew attention to the fact that this is an application for one dormer bungalow but with reserved matters for two others and that these would intrude into the countryside. She believed the County Council's sole reason for selling the land was for financial gain. The proposal was not for affordable housing. No consideration had been given to local young people who would wish to buy a property and remain in the area. The Council were selling land without a Section 106 agreement and intruding into the countryside. She had serious concerns

Rhif y Cais: 39C291A/1 Application Number

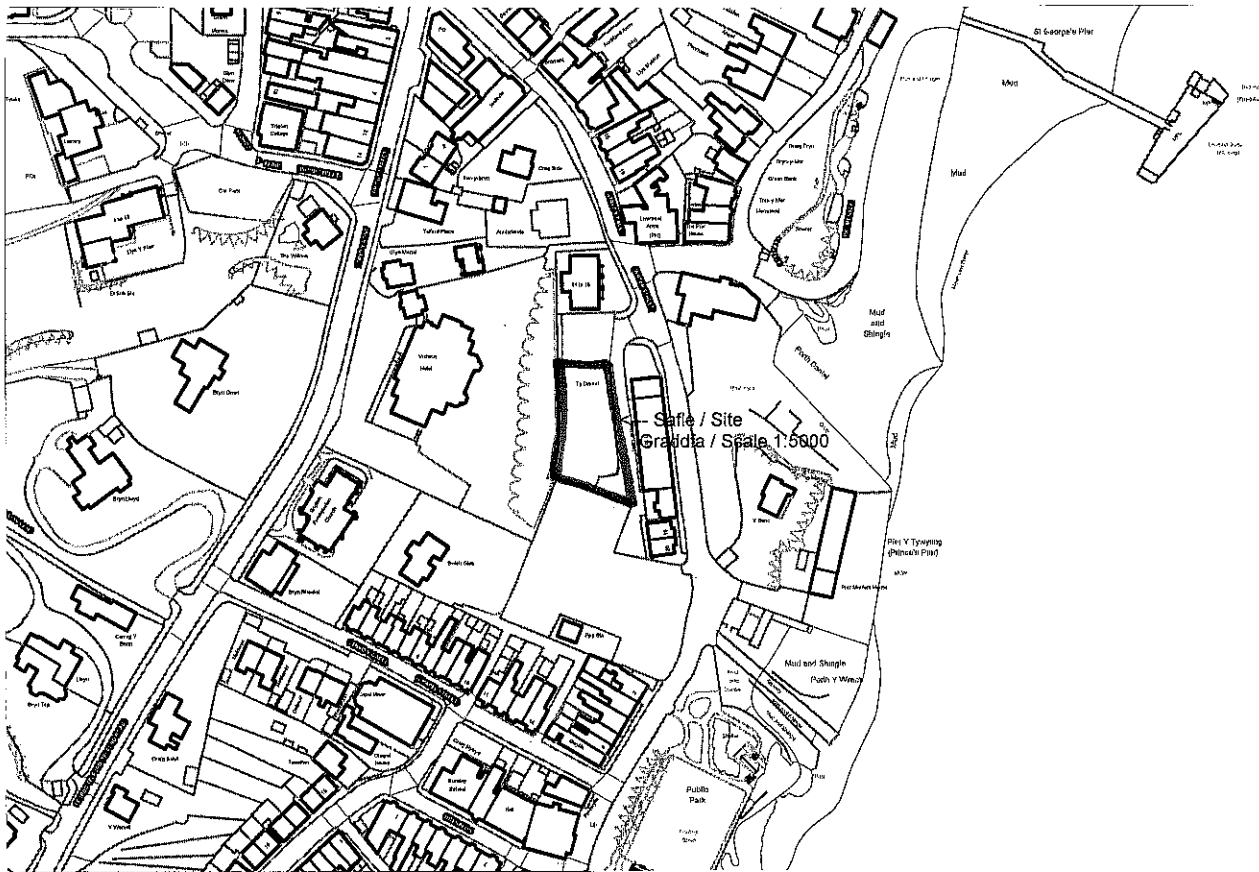
Ymgeisydd Applicant

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

Codi bloc o flatiau yn cynnwys 6, 2 ystafell wely ar dir yn

Erection of a block of flats containing 6 no, 2 bed flats on land at

Menai Quays, Water Street, Menai Bridge



**Planning Committee: 05/09/2012**

**Report of Head of Planning Service (DPJ)**

**Recommendation:**

Permit

**Reason for Reporting to Committee:**

Members have resolved to refuse the application contrary to the officer recommendation. In accord with the council's constitution the application is again being presented to members so that they can consider their resolution.

**1. Members Reason for Refusing**

The development would have an adverse effect on the setting of the listed building at the Victoria Hotel and the conservation area.

**2. Officer's Response to Reason for Refusal**

**Setting of the Listed Building at the Victoria Hotel**

Officers have assessed the impact of the development on the essential and wider setting of three Grade II listed buildings and have given special regard to the desirability of preserving the setting of these buildings including the Victoria Hotel.

The Victoria Hotel is located on the east side of Bridge Street set back from the road with gardens to the rear overlooking the Menai Strait. The planning application is supported by photomontages of the proposed development in relation to the Victoria Hotel.

From the site of the proposed development and from the public highway at Water Street the upper storey and roof of the listed building punctuate above the landscaping in the foreground. Outward views from the Listed Building are affected but are considered to be of a light moderate impact. Inward views are considered to be unaffected.

In objections received to the planning application it is contended that the economic viability of the Victoria Hotel will be detrimentally affected by the encroachment of the roof of the development in views of the Menai Straits from the Victoria Hotel and its curtilage. The objection states that the economic viability is primarily due to its setting and outlook onto the Menai Straits. It is the Local Planning Authority's opinion that the impact would be light moderate and that this can be seen in the photomontages submitted with the application. The current outward views from the Victoria Hotel include roofscapes of varying heights and this is also a characteristic of the conservation area. It is thus not considered that the proposed development would result in the Victoria Hotel becoming isolated from its surroundings.

The local planning authority and the objector's views on the impact of the development on the setting of the Victoria Hotel having regard to the previously approved scheme in 39C291R differ. The application granted two pairs of three storey dwellings and a pair of two storey dwellings on the application site in front of the Victoria Hotel. In assessing the current proposals the local planning authority have had regard to the scheme previously approved under 39C291R as follows:

- Part of the third storey of the development extended above the two storey development previously approved in front of the Victoria Hotel under application 39C291R.

- Conversely to the south and in front of the Victoria Hotel the development area or footprint is reduced as the area is proposed as a car park as opposed to three storey dwellings.
- Detailed outward views from the Victoria Hotel are affected but are considered to be a light to moderate impact.

### Conservation Area

Officers have undertaken an assessment of the potential impact that the development would have on the character or appearance of the conservation area in order to ensure that the development would preserve or enhance the character or appearance of the conservation area. In summary and based on a detailed analysis of the conservation area, the subject area hosts an intermix of housing and commercial buildings some of which have been converted to residential use of various architectural styles and finishes which have evolved over a long period of time and are still evolving.

The local planning authority are satisfied that the proposed development is of a high quality and that it would integrate and thus preserve and enhance the character and appearance of the conservation area.

In comparison with that approved under application 39C291R and in relation to the conservation area the local planning authority consider:

- The scale and massing of the development is reduced.
- The apartment block design accords better with the existing apartment developments on the western side of Water Street.

### 3. Recommendation

Members are requested to reconsider their resolution and to permit the application with the following conditions

**(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 plans tabled below and contained in the form of application, and in any other documents accompanying such application.**

Drawing	Reference	Date
Location Plan	1874:11:1	17.06.11
Existing Site Plan	1874:11:02	17.06.11
Proposed Site Plan	1874:11:03	10.08.11
Proposed Floor Plans	1874:11:4	20.07.11
Proposed Site Section A-A	1874:11:06	17.06.11
Proposed Elevations	1874:11:5	17.06.11

**Unless otherwise approved in writing by the local planning authority or included within any provision of the conditions of this planning permission.**

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

**(03) The building(s) hereby permitted shall only be constructed with slabs at levels indicated on the approved drawing No 1874:11:06 unless otherwise approved in writing by the local planning authority/oni bai cymeradywyd yn ysgrifenedig fel arall gan yr awsdurdod cynllunio lleol.**

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

**(04) 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.

**(05) The development shall not commence until the colour of the external material of the development hereby approved has been approved in writing by the local planning authority. The approved colours shall be used in the implementation of the development.**

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

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

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

**(07) 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.

**(08) 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.

**(09) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.**

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.

**(10) The landscaping scheme as shown on drawing number 1874:11:03 shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.**

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

**(11) 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 the amenities of the locality.

**(12) A scheme of sound insulation against external sources of noise from the licensed premises at the Victoria Hotel shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved "the scheme". "the scheme" shall be designed to achieve the "good" standard as laid out within *BS 8233:1999 Sound insulation and noise reduction for buildings - Code of practice* and shall be implemented prior to the occupation of the development hereby approved.**

Reason: In the interests of the amenities of occupants of the development hereby approved.

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