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Gweddill y Ceisiadau

Remainder Applications

Rhif y Cais: **36C322** Application Number

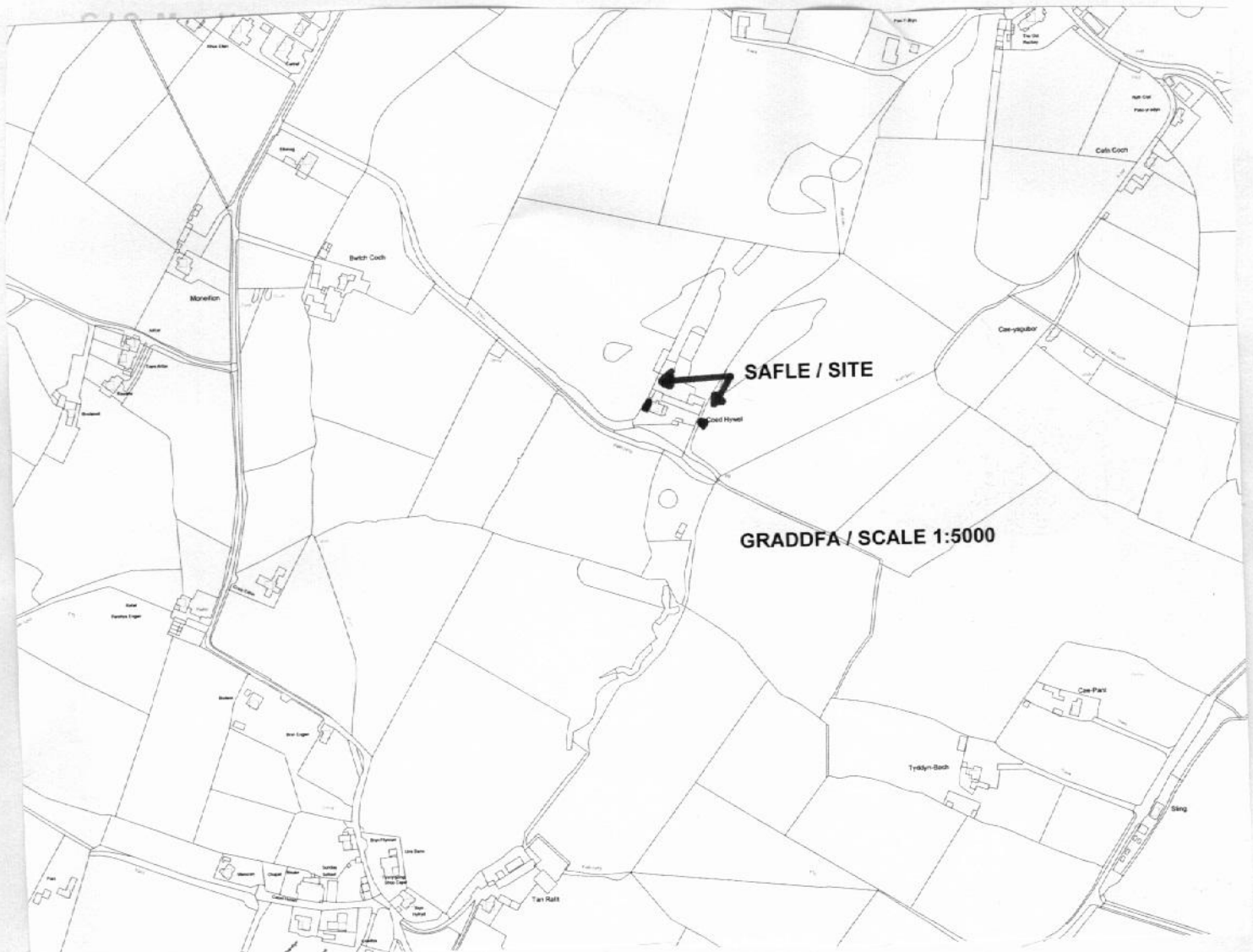
Ymgeisydd Applicant

**Mr & Mrs R W Owen
c/o Mr Eric Hughes
Morwel
20 Trem y Foel
Felinheli.
LL56 4UZ**

Cais llawn ar gyfer addasu ac ehangu ynghyd a gosod sistem trin carthion breifat yn

Full application for alterations and extensions together with the installation of a private treatment plant at

Coed Hywel, Llangristiolus



Planning Committee: 06/02/2013

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The applicant is related to a relevant officer who owns the property. The application has been scrutinised by the Monitoring Officer in accordance with the Council's constitution.

1. Proposal and Site

The site is located at the end of a private drive accessed off a minor road leading in a southwesterly direction out of the village of Llangristiolus. The dwelling itself is located to the south east of the village.

The site is occupied by a two storey dwelling and a range of outbuildings. The application is made to replace an existing flat roof on a rear two storey extension with a double pitched slate roof and to add a lean-to style sun and utility room to the rear. The proposal includes the installation of a new private sewage treatment plant outside the curtilage.

The site is bordered by a public footpath. Works to connect into the proposed new treatment plant will cross the line of the footpath.

2. Key Issue(s)

The application's key issues are whether the proposal will affect the character of the local area

3. Main Policies

Ynys Môn Local Plan

Policy 1 – General Policy

Policy 31- Special Landscape Area

Policy 58- Extensions

Gwynedd Structure Plan

Policy D4 – Location, Siting and Design

Policy D29 – Design

Stopped Unitary Development Plan

Policy GP1 – Development control Guidance

Policy GP2 – Design

Policy HP7a - Extensions

Policy SG5 – Private Sewage Treatment Facilities

Planning Policy Wales (Edition 5)

Technical Advice Note 12 – Design

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

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

4. Response to Consultation and Publicity

Local Member – No reply to consultation at the time of writing

Community Council – No reply to consultation at the time of writing

Environment Agency – low environmental risk – standard advice applies

Drainage-drainage details are satisfactory in principle

Footpaths Officer – No reply to consultation at the time of writing

Response to Publicity

The application was publicised through press advert, neighbour notification and site notice. The expiry date for the receipt of observations is 6th February 2013. At the time of writing, no representations had been received.

5. Relevant Planning History

None relevant to the application proposal

6. Main Planning Considerations

Principle of the Development: The site is an existing extended dwelling with a two-storey flat roof extension to the rear. The scheme involves replacing the flat roof with a pitched slate roof which will enhance the appearance of the dwelling and which is in line with policy preference on extensions. The rear utility sun and utility room extension is subservient to the main dwelling and acceptable in terms of scale and design. The proposed treatment plant is to be located within the adjoining field with connection to it crossing the line of the public footpath which borders the site.

Affect on the locality – The site is located in an isolated position within the Special Landscape Area. A public footpath borders the site but views into the site in part are obscured by trees. The extension as proposed will improve the appearance of the dwelling. The treatment plant will have no discernible impact once installed. Some disturbance will inevitably occur during installation but this will be short-lived. A response from the footpaths officer was awaited at the time of writing to ascertain whether any particular planning requirements are necessary in relation to the footpath during installation of the treatment plant and connections to it.

Affect on surrounding properties – The property is located some 250m downhill of neighbouring properties. The dwelling itself is set below a bank. The proposal will have no impact on nearby properties.

Highways and Technical Issues: Consultees are satisfied in relation to the drainage proposals. A response was awaited from the footpaths officer at the time of writing.

7. Conclusion

The proposed extensions comply with policy requirements and will enhance the overall appearance of the dwelling. The drainage aspects are considered acceptable. A response was awaited from the Footpaths Officer at the time of writing and the neighbor notifications expire on 6th February.

8. Recommendation

To **permit** the application subject to no representations being received raising issues not considered in the above report and subject to receipt of a reply from the Footpaths Officer together with the imposition of any condition as necessary arising from that reply..

(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.

Rhif y Cais: 49C255F/TPO Application Number

Ymgeisydd Applicant

Mr Martin Jones
5 Llys Coedlys
London Road
Valley
LL65 3FD

Cais ar gyfer gwaith i goeden Norway Maple wedi ei ddiogelu dan Orchymun Diogelu Coed yn

Application for works to a Norway Maple tree protected by a Tree Preservation Order at

5 Llys Coedlys, London Road, Valley



Planning Committee: 06/02/2013

Report of Head of Planning Service (SWO)

Recommendation:

Permit

Reason for Reporting to Committee:

The applicant is a relevant officer as defined within paragraph 4.6.10.4 of the Constitution

In accordance with the requirements of paragraph 4.6.10.4 of the Constitution the matter must therefore be reported to the Planning and Orders Committee for consideration.

The matter has also been scrutinized by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

1. Proposal and Site

The application in part relates to works which are claimed to have been inadvertently carried out, caused or permitted to be carried out by the applicant on a 'Norway Maple' (acer platenoides) situated next to the gable of the applicants property within the curtilage of; 5 Llys Coedlys, Valley. The tree in question forms part of a group which is identified as G6 which is protected by a Tree Preservation Order (TPO): 129 on the Departments Tree Preservation Register.

The applicant contacted the department in person to advise of his actions upon realization that the tree in question was protected and the matter was duly investigated. The investigation(s) served to establish the fact that the works carried out were indeed un-authorized and would not have been exempted by virtue of the fact that the tree in question was dying, dead or dangerous at the time. As permission had not been granted for the works and the works were not exempted the matter constitutes an offence under s.210 of the Planning Acts.

The current application seeks to address matters by way of correctly pruning and/or removing several of the lower branches which have been affected and reducing the crown of the tree by no more than 25% in an effort to encourage better form and balance as well as minimizing the impact of the crown on the dwelling itself.

2. Key Issue(s)

- Tree Preservation Order – Whether or not the works have put the future of health of the tree at risk.
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3. Main Policies

Ynys Mon Local Plan

Policy 1 (General)

**Stopped Anglesey Unitary Development Plan
'UDP'**

GP 1 (Development Control Guidance)

EN14 (Tree Preservation Orders and Hedgerows)

Planning Policy Wales (Edition 5)

Technical Advice Note (TAN) Wales 9- Enforcement of Planning Control Technical Advice Note (TAN) Wales 10 - Tree Preservation Orders (1997)

4. Response to Consultation and Publicity

Local Member- No Response at the time of writing

Community Council- No objection to the required work being undertaken to the tree provided it complies with the recommendations made in the report. However, if possible we would request that a condition be applied that there should be no further interference with the root system of the tree so as to deem it unstable in the future.

The application was also publicised by the local planning authority in accordance with statutory requirements.

At the time of writing this report, no representations had been received.

5. Relevant Planning History

49C255 - Full plans for the erection of 9 dwellings together with alterations to an existing vehicular access and the felling of some trees protected under a tree preservation order at Coedlys, London Road, Valley.
Permitted - 13/11/2008

49C255A/LB - Listed Building Consent for the relocation of existing wall and milestone at Coedlys, London Road, Valley.
Permitted - 18/05/2005

49C255B - Full plans for the demolition of the existing dwelling together with the erection of 4 dwellings and construction of a new vehicular access on part of land at Coedlys, London Road, Valley.
Withdrawn - 14/08/2008

49C255C - Amended plans for the erection of a dwelling on plot 1 Coedlys London Road Valley
Permitted - 20/07/2012

49C255D - Amended detailed plans for the siting of a dwelling at plot 9 Coedlys London Road Valley.
Permitted - 09/09/2011

49C255E - Amended plans for the erection of a dwelling on plot 2 Coedlys, London Road, Valley
Permitted - 08/02/2012

6. Main Planning Considerations

Upon identifying the fact that the tree in question, being a 'Norway Maple' forming part of a group known as G6 under Tree Preservation Order (TPO)-129 on the Departments TPO Register, the applicant was requested to commission suitably qualified specialists to undertake a survey of the tree.

The report, which can be viewed in full on the planning file, concluded that the tree had not been placed at significant risk as a result of the work carried out and could be retained subject to remedial works and further inspections carried out within 18 to 24 months which the applicant has confirmed under caution that he is prepared to undertake.

The report has subsequently been subject to consultation with officers of the Built Environment and Landscape Section whose conclusions state that the tree is of an unbalanced form and while this is not readily visible in terms of the group, reshaping would improve its local amenity in the medium term, with no likely adverse effects to health.

On balance therefore, having given detailed consideration to the report prepared by Roundwood Tree Technology together with the professional consultees comments in the matter and all other material planning considerations, it is not considered that a refusal can be warranted and that formal action be instigated in the matter.

7. Conclusion

In this instance I have considered the substance of all representations submitted to the department for consideration which includes those presented by the applicant, his tree specialist and statutory consultees alike and have balanced these against the advice contained within the relevant policy documents.

Paragraph 6 of Technical Advice Note (Wales) 9- 'Enforcement of Planning Control' states that... 'Enforcement action should be commensurate with the breach of planning control to which it relates;...The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) carrying out the breach. Nor should enforcement action be taken simply to regularize development for which development had not been sought and which is otherwise acceptable.'

A local planning authority's power to take formal enforcement action is discretionary. In the first instance, it should attempt to persuade the landowner to comply with the duty voluntarily.

In this respect the applicant promptly ceased works on site following the realization of his error and a formal application was prepared and submitted to the Authority in an effort to regularize matters.

It would appear that there was no covert intention to breach the planning regulations and no benefit or advantage of any kind has been gained by the applicant as a result.

8. Recommendation

That Tree Preservation Order Consent is **permitted** subject to the following conditions.

(01) The works authorized by this consent shall be carried out in accordance with the details submitted on the form of application together with all other supporting documentation and plans submitted on the 18th December, 2012 under application reference number 49C255F/TPO. The said work shall be carried out in accordance with the British Standard 3998: 2010 Tree Work. Recommendations and shall be completed within 3 months from the date of this permission.

Reason: To ensure that works are carried out to the required standard and to mitigate any long term negative impact.

9. Other Relevant Policies

Circular 64/78- Trees and Forestry

Circular 35/95- The Use of conditions on planning permissions.