

Rhif y Cais: 19C313A Application Number

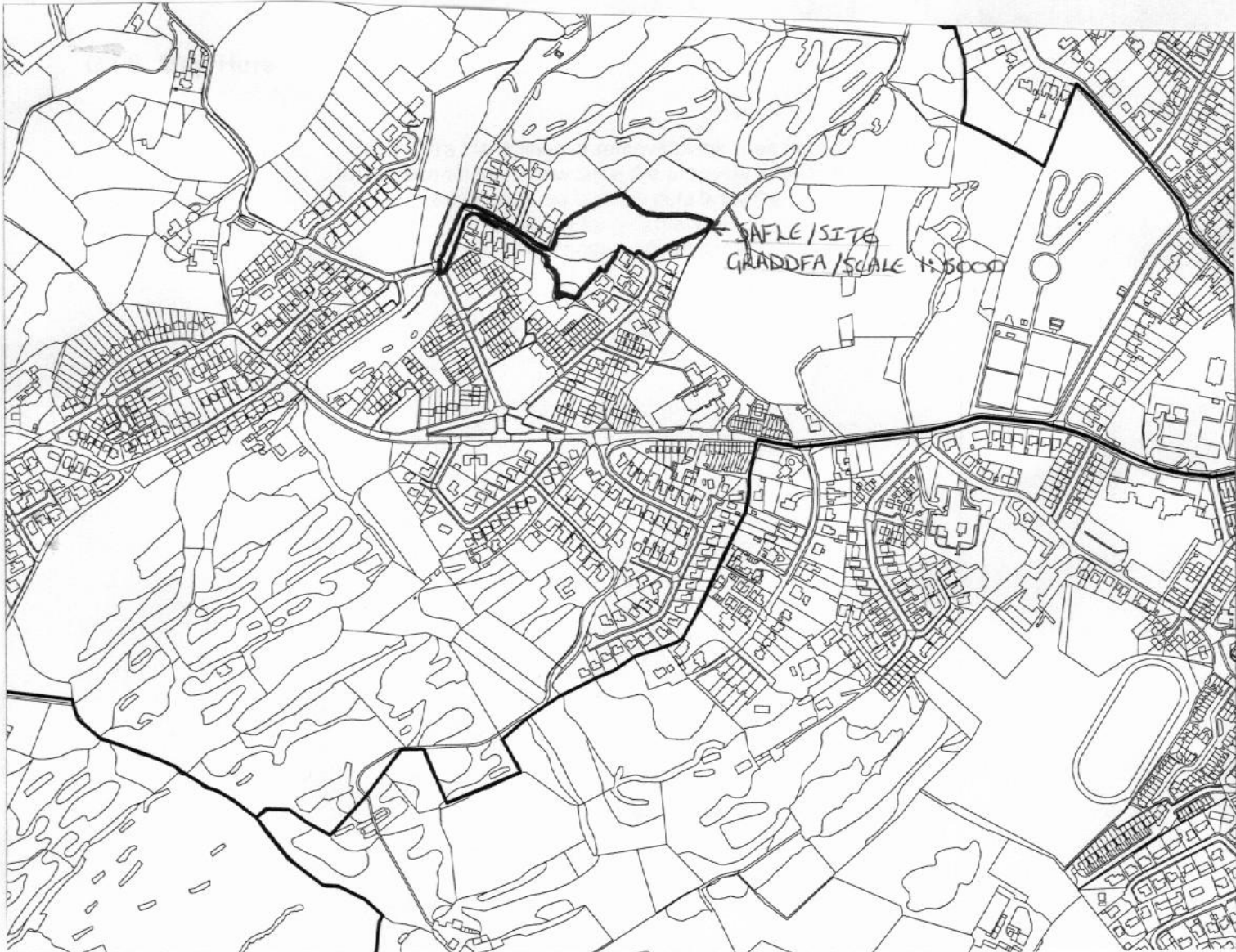
Ymgeisydd Applicant

**Executors of the Estate of Eleanor Bouch Jones Deceased
c/o Jan Tyrer Planning Consultant
Awelfryn
Allt Cichle
Llandegfan
Menai Bridge
Ynys Mon
LL59 5TD**

Cais amlinellol ar gyfer codi 22 annedd ynghyd a chreu mynedfa newydd ar dir rhwng

Outline application for the erection of 22 dwellings together with the construction of a new access on land between

Pentrefelin and Waenfawr Estate, Holyhead



Planning Committee: 03/04/2013

Report of Head of Planning Service(NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

At its meeting held on 9th January 2012 the Members resolved to accept the officer recommendation that a site visit should take place prior to determining the application. The site visit took place on 23rd January and the Members will be familiar with the site and its setting. At its meetings held on 6th February and 6th March the application was deferred to allow submission of a Welsh Language statement and to resolve technical issues.

1. Proposal and Site

The application is made in outline with all matters reserved. The proposal is for a residential estate of 22 units, providing a mix of single and two storey dwellings. As originally submitted, the two storey dwellings (4 no.) would at maximum have reached 8.5m to ridge and 10x13.5m on plan – the footprint has now been amended to between 9.6mx9.2m and 9.6mx9.8m; affordable housing units (7 no.) will at maximum reach 8.5m to ridge and 5x9.5m on plan as individual units – the footprint has now been amended to between 4.7mx9.2m and 5 x9.5m; bungalows (11 no.) will at maximum reach 5.5m to ridge and 12x16m on plan – the footprint has now been amended to between 11m x12.2m up to 11mx12.5m. Access and drainage are proposed through the existing Pentrefelin estate.

The application is supported by an Ecological Report and as part of the proposals a landscape buffer zone and green corridor are proposed. A Welsh Language Statement has also been submitted.

2. Key Issue(s)

Compliance with relevant development plan policies; highway safety and drainage; ecological issues.

3. Main Policies

Gwynedd Structure Plan

Policy A2: Housing land

Policy A3: Scale and phasing

Policy A9: Affordable Housing

Policy D4: Location, siting and design

Policy D9: Environmentally sensitive areas

Policy D10: Flora and fauna

Policy D20: Sewage disposal

Policy D32: Landscaping

Ynys Mon Local Plan

Policy 1: General Policy

Policy 28: Tidal inundation and river flooding

Policy 32: Landscape

Policy 35: Nature conservation

Policy 48: Housing development criteria

Policy 49: Defined settlements
Policy 51: Large sites
Allocation T8

Stopped Unitary Development Plan

Policy GP1: Development control guidance
Policy GP2: Design
Policy EN4: Biodiversity
Policy HP2: Housing Density
Policy HP3: New housing development
Policy HP7: Affordable housing
Policy SG2: Development and flooding
Policy SG4: Foul sewage disposal
Policy SG6: Surface Water run-off

Planning Policy Wales Edition 5 (November 2012)

TAN 5: Nature, Conservation and Planning

TAN 12: Design

TAN 15: Development and Flood Risk (July 2004)

TAN 20: The Welsh Language – Unitary Development Plans and Planning Control

SPG : Affordable Housing

SPG : Design Guide

4. Response to Consultation and Publicity

Local Member – requests that the matter be determined by the Planning and Orders Committee due to flood risk

Town Council – objection due to increase in traffic that would occur in accessing and leaving the site from the proposed housing development which would then join the existing flow of traffic onto South Stack Road

Joint Planning Policy Unit – no objection on policy grounds. It is not considered that the scale of the proposed development would be likely to result in a significant increase in the local population which would negatively affect the Welsh language.

Environment Agency – low environmental risk – standard advice applies

Drainage Section – drainage details are satisfactory in principle. Detailed designs should be submitted with any full planning application.

Highways Section – Suggested conditions
Dwr Cymru-Welsh Water – Standard conditions

Countryside Council for Wales – no objection. Satisfied with survey methodology and mitigation proposals. Satisfied that amended plans will adequately safeguard badgers in the area.

Ecological Advisor – comments on ecological report and concerns raised by objectors. Condition proposed.

Public response to notification: 16 letters of objection have been received (including 3 from Albert Owen MP) together with a 59 name petition. Objections are raised in relation to:

The proposal will lead to unacceptable heavy traffic;
the extra traffic will cause safety problems, parking problems and delays;
danger of traffic conflict with children's play area;
in the sale of the land in 2002, access was to be off Waenfawr Estate;
Concerns regarding issue of ransom strip at Waenfawr preventing access through this estate;
Use of Waenfawr for access is the most appropriate route;
views will be blocked;
disruption during construction;
concerns regarding the ecological assessment and presence of slow worms;
Concerns about adherence to Highway Act in relation to ecology;
Properties at the lower end of Pentrefelin already suffer waterlogged gardens and the fire service has been called to deal with blockages in the watercourse – the problems will be exacerbated with additional discharges. Rainfall is currently absorbed into the site – if built upon and water is channelled through pipes to the watercourse, it could lead to flooding downstream;
The optimum fall for drainage cannot be achieved;
Cannot find evidence of trial pits on site and unclear whether soakaway tests carried out properly.

The Highway Authority has assessed the scheme and no objection is raised subject to conditions.. The historic association with the Waenfawr Estate does not preclude an application for planning permission for an alternative development which must be considered on its individual planning merits. The presence of a ransom strip and any negotiations are private matters between the developer and landowner. It is understood that the Council as owner of the relevant piece of land is unopposed in principle to the use of the Waenfawr access route but this does not form a part of the application to be determined. Access for vehicular traffic via Waenfawr is not proposed as part of the application and the application as submitted must be determined on its own merits. Concerns regarding loss of views are insufficient in themselves to influence the recommendation made. It is accepted that there will be some disturbance and inconvenience during the construction phase but this is true of any development and is relatively short-lived and again, is insufficient to influence the recommendation. The ecological reports and drainage details have been assessed by relevant consultees and are considered acceptable. Surface water run-off is currently unrestricted whereas the proposal entails draining the site, with attenuation, into the public drainage system which discharges into the nearby watercourse. The soakaway tests submitted indicated poor porosity such that an alternative method of discharge has been proposed. Ecological aspects of the application are considered to comply with the requirements of the Highway Act.

5. Relevant Planning History

H117s – historical files relating to parts of the site and development of the current Waenfawr and Pentrefelin Estates.

19C313 – Erection of 12 bungalows and private garages on Phase 1, Pentrefelin Estate, Holyhead – approved 20/07/90

6. Main Planning Considerations

Principle of the Development: The site is located within the development boundary of Holyhead in the Ynys Mon Local Plan and is allocated specifically for housing development under allocation T8. The remaining land in the applicant's ownership, and which will be used to create a landscape buffer and habitat area, is located outside the development boundary.

The site is located amongst existing residential development and the Joint Planning Policy Unit has confirmed that the principle of residential development is acceptable.

Affordable housing units are proposed as part of the scheme in accordance with policy requirements.

Highways and Drainage: Concerns have been expressed regarding the fact that vehicular access will be taken solely through Pentrefelin and not through the Waenfawr Estate. In particular, concern has been expressed regarding a 'ransom strip' at the access to the Waenfawr Estate which has prevented vehicular access to the proposed development site from this direction. Any discussion between the developer and the landowner are private issues outside the planning process and the application must be considered on its individual planning merits in accordance with the details as submitted.

It is understood at the time of writing that the Council as owner of the 'ransom strip' is unopposed in principle to the use of a Waenfawr access route to the land. However, this access route does not form part of the application and it is stressed that a decision can only be made in relation to the application which has been presented on its own planning merits. Concern has been expressed, for example by Albert Owen MP on behalf of local residents, that considerable development is proposed in the area in general (the Tyddyn Bach site which has permission for over 100 units, as well as this application and the suspected potential for other land to be released). Land in the applicant's ownership not forming part of this application is located outside the development boundary. Publication of Local Development Plan policies on housing is not anticipated at this stage and it would be premature to make any decision on this application based on speculation as to what additional land might be included for development purposes under that document. On its merits, the Highway Authority has no objection to the application subject to conditions. It did however indicate that it was unlikely to adopt the estate road as a parcel of land forming part of a proposed footway and thought initially to be a part of the public highway was in fact in private ownership. This parcel was excluded from the application whilst investigations into ownership were undertaken. Its exclusion meant that the width of the proposed highway at this point was deficient such that the Highway Authority would not be willing to adopt the estate road. The agent has now been able to establish that the land is in the applicant's ownership and it has been included as part of the application, thus resolving the issue.

The Highway Authority suggests that the developer should contribute £5000 for footway improvements or traffic calming measures which may be identified as arising from the development following its monitoring for 12 months following full occupation. Such a requirement is considered ultra vires in planning terms and it is not proposed to be included as part of the recommendation for approval.

In relation to drainage, concerns have been expressed regarding periodic flooding of gardens at Pentrefelin and the likelihood of issues being exacerbated if the development proceeds. The proposal includes sustainable drainage solutions such as rainwater harvesting to each dwelling together with surface water attenuation in the estate road in order to control the flow of surface water discharge. Dwr Cymru-Welsh Water has suggested conditions including that no development should commence on the site until a comprehensive and integrated drainage scheme has been approved. The application is made in outline with all matters reserved. The scheme is considered acceptable in principle by consultees.

The Environment Agency raises no concerns and recommends its standard construction phase advice rather than any specific condition.

Landscape and Habitat: Concerns have been expressed regarding the loss of habitat at the site, for example, the potential effects on wildlife including slow worms and their habitat. The application is supported by Ecological Reports and supplementary information on the survey work. These have been assessed by the Countryside Council for Wales and the Council's Ecological Advisor and are considered acceptable. An objection letter raising concerns regarding effects on slow worms at the site has been specifically considered by the consultees. The application proposes a landscape and habitat buffer zone between existing dwellings at Pentrefelin and the application site and further proposes an additional landscape buffer to the northern boundary of the site on land in the applicant's ownership to both provide a natural transition between the built form of the development and open land to the north but also to provide suitable habitat for wildlife species

including badgers and slow worms.

Design and Privacy Issues: The application is made in outline with all matters reserved. Under Article 3 of Part 2 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, where layout is a reserved matter, the application must state the approximate location of buildings, routes and open spaces included in the development; where scale is a reserved matter, the application must state the upper and lower limits for the height, width and length of each building included in the proposal and where access is a reserved matter, the application must state the area or areas where access points to the development as proposed will be situated. A revised layout plan has been provided giving an indication of a possible layout for the site, giving the approximate location of buildings and the estate road and the access to the site. A revised schedule of upper and lower limits for the buildings has been provided. These address concerns raised in relation to the original submission that if developed to the maximum parameters as originally proposed, several of the plots would be overdeveloped resulting in a cramped site. Proximity distances are respected in accordance with SPG advice. The site is undulating in form and is dotted with rock outcrops. Some engineering works will be required to achieve suitable levels. The principle of the proposal is however acceptable. Detailed design issues can be considered at the detailed application stage.

Welsh Language: In accordance with policy requirements a Welsh language Statement has been submitted in support of the application. This has now been assessed and it is not considered that the scale of the proposed development would be likely to result in a significant increase in the local population which would negatively affect the Welsh language. It should be noted that the scheme will provide an element of affordable housing for local needs which will assist with keeping local connections with the site.

7. Conclusion

The development of the site for housing is acceptable in principle as the site is allocated specifically for housing development within the Ynys Mon Local Plan. The traffic implications of the development are considered acceptable and landscape and wildlife implications can be adequately controlled through conditions. Consultees are satisfied in principle with the drainage details.

8. Recommendation

To **permit** the application subject to conditions and a S106 agreement on affordable housing

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

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

(04) No development shall take place until samples 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 : To ensure a satisfactory appearance of the development

(05) 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 their installation.

Reason: In the interests of amenity.

(06) The reserved matters application shall include full levels details and cross sections, as existing and as proposed, to datum point., together with finished floor levels for the plots.

Reason: To ensure the satisfactory appearance of the development

(07) No development shall commence until the developer has prepared 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 approved in writing by the local planning authority. The development shall proceed in accordance with the approved details unless the local planning authority gives its prior written consent to any variation. No occupation of the dwellings hereby approved shall take place until the drainage systems for the site have been completed and are operational.

Reason: In the interests of residential amenity and to ensure that the site is adequately drained.

(08) No site clearance works shall take place during the bird breeding season(1st March to 31st August inclusive) unless the site has been checked by a suitably qualified ecologist and the results of any such survey are confirmed in writing by the local planning authority.

Reason: To safeguard any protected species which may be present on the site.

(09) No site clearance works shall take place until the site has been surveyed for the presence of slow worms by a suitably qualified and experienced ecologist. The results of the survey shall be submitted to and agreed in writing by the local planning authority and shall include detailed mitigation and proposals for the long term maintenance of any alternative habitat to be provided, where slow worms are found to be present on the development site. The development shall thereafter proceed in accordance with the details as may be agreed in writing by the local planning authority.

Reason: to safeguard any wildlife species which may be present on the site.

(10) The development shall proceed in accordance with the recommendations set out in the Ecological Scoping Survey Report (Alison Johnson 2010) and Updated Information on Badgers Report (Alison Johnson 2012) submitted on 9/11/2012 under planning reference 19C313A unless the local planning authority gives its prior consent to any variation. Full details of the proposed planting of the green corridor and the off-site landscape buffer area, details of the badger tunnel area and its planting, together with full details of their future maintenance, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the details as may be agreed.

Reason: To safeguard any protected species which may be present on the site.

(11) The dwelling 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.

(12) Construction of the dwelling 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 dwelling 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.

(13) Prior to the occupation of the dwelling 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 dwelling 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.

(14) No development shall commence until the details and specifications for the construction of a traffic island on the junction of Lon Newydd with Llainfain have been submitted to and agreed in writing with the local planning authority. No occupation of the dwellings hereby approved shall take place until the traffic island has been constructed in accordance with the approved details.

Reason in the interests of highway safety

(15) The vehicle driveways shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining footway.

Reason in the interests of amenity

(16) 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 enable vehicles to draw off clear of the highway for the safety and convenience of the highway user.

(17) The estate road(s) and its access shall be constructed in accordance with 'Technical Requirements for Estate Roads In Anglesey'

Reason To ensure a satisfactory means of development

(18) The estate road(s) shall be completed to a base course finish with the surface water drainage

**system complete operational before any work is commenced on the dwellings which it serves.
'complete and operational'**

Reason in the interests of amenity

(19) The estate road shall be kerbed and the carriageway and footways surfaced and lit before the last dwelling is occupied or within 2 years of the commencement of development whichever is the sooner.

Reason In the interests of amenity

(20) No development shall commence until a scheme for the drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the dwellings hereby approved are occupied.

Reason to ensure that the site is satisfactorily drained

(21) No dwelling hereby approved shall be occupied until a management plan to secure the future maintenance of the access and estate road hereby approved has been submitted to and approved in writing by the local planning authority. The plan shall detail the management responsibilities and maintenance schedules for the safety of existing residents and to ensure no detriment to the environment. The site shall thereafter be managed and maintained in accordance with the agreed details.

Reason in the interests of amenity and to ensure a satisfactory form of development