

Application Reference: FPL/2022/189

Applicant: Mr Ricky Danis

Description: Retrospective application to retain the use of a flat at

Site Address: Bilash, Dew Street, Menai Bridge



Report of Head of Regulation and Economic Development Service (Owain Hughes)

Recommendation: Permit

Reason for Reporting to Committee

The planning application has been called in by Councillor Robin Williams

At the Planning Committee on the 2nd November, 2022 the Members requested a Site Visit. The virtual site visit was carried out on the 16th November and members are now familiar with the site and its settings.

Proposal and Site

The application site lies within the main nucleus of Menai Bridge and is accessed along a narrow metalled road known as Dew Street. The site also lies within the Menai Bridge Conservation Area.

This planning application is a retrospective application for the retention of a flat at a former bakery building.

Key Issues

The key issues is are;

- whether the proposed development complies with the relevant policies of the Anglesey and Gwynedd Joint Local Development Plan
- whether the proposed development impacts adversely upon surrounding amenities and;
- whether the proposed development has an adverse impact on the Menai Bridge Conservation Area

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy TAI 2: Housing in Local Service Centres

Strategic Policy PS 1: Welsh Language and Culture

Policy TAI 8: Appropriate Housing Mix

Policy TAI 15: Affordable Housing Threshold & Distribution

Policy AT 1: Conservation Areas, World Heritage Sites and Registered Historic Landscapes, Parks and Gardens

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Strategic Policy PS 5: Sustainable Development

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 5: Carbon Management

Policy PCYFF 6: Water Conservation

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Alun Wyn Mummery	No response received
Cynghorydd Dyfed Wyn Jones	No response received
Cynghorydd Robin Wyn Williams	Call in into the planning committee
Cyngor Tref Porthaethwy / Menai Bridge Town Council	Observations from members of the town council is that the property area and surrounding area is untidy also consideration should be given to a better design. It was formerly used as a store for Co-Op located on the high street.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection to the planning application

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comment relating to planning policies within the Anglesey and Gwynedd Joint Local Development Plan.
Dwr Cymru Welsh Water	Comments. Request to place planning conditions if the local planning authority is minded to grant planning application.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response received
Ymgynghorydd Treftadaeth / Heritage Advisor	No comments from a built heritage perspective

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The latest date for the receipt of any representation was the 17/08/2022. At the time of writing this report, six letters of representation had been received at the department. Their concerns were:

- I feel this unit is so small and is unsuitable for a flat
- I note that this retrospective planning application refers to a garage structure which has been used as a residential dwelling for a period of time. This property is nothing more than a garage structure in terms of planning regulations. This application ought to be declined as the area surrounding is a commercial premises and is therefore wholly unsuitable as a dwelling.
- This garage was utilised as storage for a bakery for many years. It is too small and unsuitable for use as residential.
- it is only a little larger than a single garage.
- I object to the application made by Mr Ricky Danis for retrospective planning permission for the flat on Dew Street. The building is made of sub-standard materials and has been built to fill the area behind an existing business warehouse. The dwelling has filled the whole area with no access to the back or sides. There are no parking rights and the building is unsightly and I fear that by approving Mr Danis's application this could set a precedent where any of the garages or empty spaces could be filled with similar 'shanty town' dwellings.

The majority of the representations submitted relate to the size of the unit. These will be addressed within the main body of the report.

The matter of building material quality lies beyond the remit of Planning Control and is covered within separate legislation. Nevertheless, the local planning authority have referred these concerns onto the agents for information.

Highway concerns will also be addressed within the main body of the report.

Relevant Planning History

No planning history at this location.

Main Planning Considerations

This application is made under retrospective planning application for the use of the building as a residential flat at Dew Street, Menai Bridge.

The proposal entails the conversion and retention of unauthorised works carried out to create a residential unit. No new extensions are proposed as part of the current proposal.

The use of the building as a flat first commenced in 2005. Whilst mechanisms exists by way of S.191 of the Act to regularise matters through the submission of a Certificate of Lawful Use, such provision cannot

be relied upon in this instance given the fact that the residential use has not been continuous and uninterrupted for a period of at least 4 years from date of submission. As such, a planning application has been presented in an effort to regularise the issue as a result of the Enforcement Sections intervention of matters.

The internal floor area of the building measures 32.3 square metres. The flat consist of a living room with a kitchen area and a separate bedroom which includes an en-suite. Following public representations received in relation to the scale of the flat/building, consultations were carried out with officers from the Public Protection department to ensure that the scale of the building is sufficient to be used as a living accommodation. By way of a response to the consultation the following was received:

The property is comprised of a living room/kitchen, bathroom and bedroom. The bedroom measured 11.76 square meters. As per Section 326 of the Housing Act 1985, this property would be suitable for up to 2 persons (provided the 2 persons are living together as a married couple or civil partners).

Policy Considerations

In the JLDP Menai Bridge is identified as a Local Service Centre under Policy TAI 2 (Housing in Local Service Centres). It is noted that the proposed site is located within the Menai Bridge development boundary as noted in the Anglesey and Gwynedd Joint Local Development Plan. In accordance with Policy PCYFF 1 ('Development Boundaries'), proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations.

The indicative provision for Menai Bridge over the Plan period is 115 units (74 units on allocated sites and 41 units on windfall sites) (which includes a 10% 'slippage allowance', which means that the calculation has taken account of potential unforeseen circumstances that could influence delivery of housing due to, e.g. land ownership issues, infrastructure constraints, etc.). During the period of 2011 to 2021, a total of 69 units have been completed in Menai Bridge (15 on allocated sites and 54 on windfall sites). The total landbank (windfall and allocated sites), i.e. sites with existing planning consent, and likely to be developed at April 2021 stood at 53 units). When considering all this information together, there is insufficient capacity within Menai Bridge for this additional windfall unit.

The Plan's Monitoring Framework will consider the number of units that are completed annually in order to determine if the Plan is achieving the housing requirement. Annual monitoring will also allow the Councils to determine what type of sites will supply housing i.e designation or windfall sites. The focus will be on the units completed rather than permissions. As well as this, the Monitoring Framework will try to assess if the Plan's Settlement Strategy is being achieved. This indicator looks at housing consents. Policy PS 17 in the Plan states that 22% of the Plan's housing growth will be located within the Local Service Centres. The indicative growth level (including 10% slippage) for Local Service Centres is 1754 units. 859 units were completed between 2011 and 2021 in all Local Service Centres and that 493 units were in the land bank. This means that there is a current shortfall of 402 units. Currently, therefore, the approval of this site can be supported by the expected provision within the Local Service Centres category.

However, as the settlement can achieve its expected level of growth on sites through units completed, implementation of the current land bank and development of the allocated site, this application will need to be justified outlining how the proposed development is addressing the needs of the local community.

In accordance with the above requirements, details have been submitted to demonstrate the need for the development in the area and the policy section has confirmed that the information is acceptable to meet the needs of the Local Service Centre.

In light of the position in relation to the indicative provision outlined above, in line with criterion (1b) of Policy PS 1 the application was required to be supported with a Welsh language statement. A Welsh Language Statement was submitted and is considered to meet the tests of Policy PS1.

In line with Policy TAI 8 consideration will need to be given over whether the development addresses evidence of need and demand for housing recorded in a Housing Market Assessment and other relevant local sources of evidence. The Housing Section has confirmed that there is a need for this type of development in the area.

Policy TAI 15 seeks an appropriate provision of affordable housing. It has a threshold figure of 2 or more units within Local Service Centres such as Menai Bridge. Since only one dwelling is being proposed in this development Policy TAI 15 is not relevant in this case and it is not necessary to provide an affordable element.

Conservation Area

The site is located within the Menai Bridge Conservation Area. Therefore, the proposal has been considered against Policy AT1 ('Conservation Areas, World Heritage Sites and Landscapes, Parks and Registered Historic Gardens') of the JLDP. The Heritage officer has confirmed the following:

Developments within the area should seek to 'preserve or enhance' the character of the designated area.

The proposals appear to be in relation to internal alterations and change of use with no external alterations that would impact upon the character of the conservation area. Consequently, I have no comments from a built heritage perspective.

In effect its visual impact is not significant, obtrusive, nor dominating bearing in mind the existing built form, local topography, and its overall design and appearance; it would not result in visual harm to either the site or the wider area.

Design

No new extension or external alterations are proposed for this flat – only the existing footprint of the building will be used as a one bedroom dwelling. It is considered that utilising it as a residential unit rather than allowing it to fall into disrepair will result in a long term improvement to the surrounding area.

The scale and nature of change proposed coupled with its containment within the existing tightly knit built form creates a form of development where there would be no significant impacts on the character or appearance of the immediate area or the wider street scene. It is considered that the proposal therefore complies with the requirements of Policy PCYFF3

Highways

Whilst mindful of the comments received from members of the public the Highway Authority raises no objection to the proposed development. The site lies in a sustainable location within walking distance of all local amenities and public transport routes. In addition, given the very low number of vehicles expected to visit the site I am satisfied that there would be adequate parking provision. The proposal would not, therefore, cause unacceptable harm to the safe and efficient operation of the highway and would comply with LDP Policy TRA 4.

Adjacent Residential Properties

It is not considered that the proposed development will impact any residential properties. Only two windows serve the proposal which look out towards an alley and a yard at the rear. It is not considered that the proposal will result in any increase in terms of overlooking over and above that which already exists on the site.

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of

Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

Conclusion

On balance, for the reasons I have given and having regard to all matters raised, it is considered that the proposed development complies with the relevant planning policies and the recommendation is one of approval subject to planning conditions.

Recommendation

That the application is permitted subject to the following conditions:

(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan: 3014-22-1**
- **Site Plan - 3014-22-2**
- **Elevation and Floor Plan - 3014-22-4**
- **Welsh Language Assessment**
- **Justification for the development**
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Reason: To ensure that the development is implemented in accord with the approved details.

(02) No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(03) Within 6 months of the date of this planning permission, a sparrow box shall be placed on the building. Thereafter the sparrow box shall be retained in perpetuity.

Reason: In the interest of ecological biodiversity

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF 1, TAI 2, Policy PS 1, TAI 8, TAI 15, AT 1, TRA 4, TRA 2, PS 5, PCYFF 2, PCYFF 3, PCYFF 4, PCYFF 5, PCYFF 6

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.