

Application Reference: FPL/2023/43

Applicant: Mr Joey Taylor

Description: Retrospective application for the erection of a new dwelling together with the construction of new vehicular access on land adjacent to

Site Address: 27 Zealand Park, Caergeiliog, Holyhead



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Planning and Orders Committee for determination as the proposal is contrary to policies of the Anglesey and Gwynedd Joint Local Development Plan but which the Local Planning Authority are minded to approval.

Proposal and Site

This is a retrospective application for the erection of a new two storey detached dwelling with the construction of a new vehicular access. Planning permission was granted previously under planning permission reference 32C192A.

The site is situated on the edge of an established residential estate which comprises of single storey, dormer bungalows and two storey properties. The application site lies outside the settlement boundary of the village of Caergeiliog as defined under Policy TAI 4 of the Anglesey and Gwynedd Joint Local Development Plan.

Key Issues

The applications main issues are;

- i. whether the amended design is acceptable in policy terms
- ii. impact on amenities of neighbouring properties

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 4: Design and Landscaping

Policy TAI 4: Housing in Local, Rural & Coastal Villages

Policy TRA 2: Parking Standards

Policy AMG 5: Local Biodiversity Conservation

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 17: Settlement Strategy

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Technical Advice Note 15: Development and Flood Risk (2004)

Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	Recommended conditional approval
Swyddog Llwybrau Troed / Footpaths Officer	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Requested further information - following receipt of the additional information confirmed that the scheme was acceptable
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments
Polisi Cynllunio / Planning Policy	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Site situated within Zone A of the Development Advice Map (DAM) contained in TAN 15 (2004). Flood Map for Planning identifies the site to be at risk of flooding and within Flood Zone 2 Rivers. Given the limited extent and location of flood risk affecting the application site confirmed that they raised no flood risk concern.
Cynghorydd Ken Taylor	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfair yn Neubwll Community Council	No response

Iechyd yr Amgylchedd / Environmental Health	Standard comments
Ymgynghoriadau Cynllunio YGC	Site lies within zone A (Development Advice Maps accompanying TAN 15; Development and Flood Risk) which is usually considered to be at little or at no risk of flooding. However the site is shown to be at some risk of flooding in the latest flood maps for surface water. Consider that flooding is a material consideration in accordance with Section 11.1 of TAN 15.

The proposal has been advertised through the posting of a notice near the site, distribution of personal letters of notification to the occupiers of neighbouring properties and the publication of a notice in the local press. The latest date for the receipt of any representation was the 23/03/2023. At the time of writing this report four letters or representation had been received at the department. The main issues raised were:

- i. Proposal is for a four bedroomed house with a large apex roof above the garage and is not in keeping with the original approved scheme.
- ii. Increase in height will block sunlight from neighbouring properties and will be disproportionate to all other properties on the estate.
- iii. Proposal would obstruct public right of way.
- iv. Since the land was cleared adjoining property floods every year.
- v. Noise will impact those who work from home
- vi. Great Crested newts in the area which have already been disturbed.
- vii. Loss of privacy
- viii. Site lies outside development boundary.
- ix. Scale of proposal is not an affordable dwelling.

Other issues have been raised enquiring whether the land has been bought for personal use or to sell at a huge profit however this is not a material planning consideration.

In response to the issues raised I would state;

- i. There is no distinct pattern of development on Zealand Park residential estate with single storey, dormer bungalows and two storey properties located on the estate. The proposal is not similar to the previously approved scheme under planning application reference 32C192A which is the reason for the submission of the current application.
- ii. The proposed dwelling measures 8.1 metre in height. The dwelling approved under planning application reference 32C192A measured 7.4 metres in height. The height of the proposal currently under consideration is 700mm higher than that previously approved and therefore it is not considered that the proposal will result in the loss of light to neighbouring properties.
- iii. The proposal is not located on the public right of way and therefore will not restrict access to the footpath.
- iv. The principle of residential has been established on the site. A Certificate of Lawfulness has been issued that a material start has been made on the development. It is not considered that the slightly larger footprint of the proposed dwelling will result in additional flooding.
- v. Whilst it is accepted that noise will be generated during the construction phase this will be for a short period and it is not considered that this will have a detrimental impact on the amenities of the neighbouring properties.
- vi. The comments have been forwarded to the Ecological Advisor for comments. The Ecologist confirmed that given that they have previously cleared the site and have the foundation works in, an ecological survey of that specific area wouldn't bring anything up; it would only be the surrounding area where there would be biodiversity present. It would be hard to prove that GCNs were using that site previously without any surveys or evidence of that specific area.

vii. As stated previously the site has an extant permission for the erection of a dwelling on the site. Whilst the scale and design has been amended with two additional windows proposed in the rear elevation (one en-suite opening) and additional window in the master bedroom. The property is situated on the same footprint as the previously approved dwelling at the rear and front, although the garage is now located to the right of the property, and will be located 1.5 metres closer to the side of the plot which adjoins 27 Zealand Park however there are no openings on the side elevation of the proposed dwelling. Due to this above it is not considered that the proposal will result in loss of privacy more than the scheme previously approved.

viii. The site has an extant planning permission and the current proposal is to amend the scheme previously approved. The application has been advertised as a departure from current policies however due to the fall-back position the proposal is considered acceptable.

ix. As the original application was considered acceptable under Policy 50 of the Ynys Mon Local Plan there was no requirement for the proposal to be an affordable dwelling.

Relevant Planning History

32C192 - Outline application for the erection of a dwelling and garage together with the construction of a new access with all matters reserved on land adjacent to 27 Zealand Park, Caergeiliog - Approved 15/05/15

32C192A - Full application for the erection of a new dwelling together with the creation of a new vehicular access on land adjacent to 27 Zealand Park, Caergeiliog - Approved 26/07/2016

LUE/2020/8 - Application for a certificate of proposed use or development in relation to a material start having been made on permission 32C192A thus safeguarding the consent on land adjacent to 27 Zealand Park, Caergeiliog - Lawful 13/07/2020

MAH/2022/7 - Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatád cynllunio 32C192 and 32C192A er mwyn diwygio yr dyluniad ar dir ger / Minor amendments to scheme previously approved under planning permission 32C192 and 32C192A so as to amend the design on land adjacent to 27 Zealand Park, Caergeiliog - Refused 05/07/2022

Main Planning Considerations

The principle of the residential development of the site has already been established by an extant planning permission 32C192 and 32C192A. A Certificate of Lawfulness has been issued which confirms that a material start was made on the proposal which has secured the permission. This is an application to amend the design of the approved dwelling.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan, Caergeiliog is identified as a Local Village under the provision of Policy TAI 4 where new dwellings will be approved providing that the site is situated within the development boundary and that the size, scale, type and design of the development corresponds with the settlement's character.

However, there is a fallback position of an extant planning permission for the erection of an open market dwelling on the land. Therefore the following must be considered:-

- Is there a likelihood that the existing permission can be implemented
- Are the details submitted with this application acceptable.

It is likely that the existing permission can be implemented as a material start has been made on the development.

Amendments

The amendments are as follows:-

- **Amending the design of the dwelling.**

The approved design was for a dormer bungalow. The proposal currently under consideration is for the erection of a two storey dwelling, which will be 700mm higher than that previously approved and with a slightly larger footprint. The previously approved dwelling measured 10.3m long x 9m wide and 10.6m at its widest point. The proposal currently under consideration measures 12.3m long x 10m wide and 11.5m at its widest point.

Whilst the previously approved dwellings was similar to the three recently developed properties on the opposite side of the access track the current proposal will respect the scale and character of the immediate adjoining property to the north of the site known as 27 Zealand Park.

The design and materials to be used in the construction of the dwelling are considered acceptable in this location.

- **Impact on amenities of neighbouring properties.**

Four letters of representation has been received from the occupants of two neighbouring properties raising and these issues have been addressed in the publicity section above.

Whilst the side elevation of the proposed dwelling will be located closer to its boundary with 27 Zealand Park, there are no openings proposed in the side elevation. A 1.8 metre fence will be erected along the boundary of the site. There is more than 23 metres distance between the side of the proposed dwelling and the side of 27 Zealand Park.

There is a distance of 18 metres between the rear corner of the proposed dwelling and rear corner of 23 Zealand Park. At present the land to the rear of 23 Zealand Park is open with the fencing/wall located along its boundary. As stated above a 1.8m high fence will be erected along the boundary of the application site.

There is a distance of 23 metres between the front of the proposed dwelling and the front of 33 Zealand Park which lies opposite the application site.

Due to the above it is not considered that the proposal will impact the amenities of the adjoining properties any greater than the extant planning permission.

Conclusion

The application is contrary to Policy TAI 4 of the Joint Local Development Plan; however there is a fallback position of an extant permission on the land which has been safeguarded with a Certificate of Lawfulness.

The amended scheme is acceptable and will not have a detrimental impact on the amenities of neighbouring properties.

Recommendation

That the application is permitted subject to the following conditions:

(01) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

(02) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(03) 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.

Drawing no. 2985:22:2 - Existing site plan

Drawing no. 2985:22:1 - Location plan

Drawing no. 2985:22:3d - Proposed site plan

Drawing no. 2985:22:5 - Proposed elevations

Drawing no. 2985:22:4 - Proposed floor plans

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

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.