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| PLANNING COMMITTEE                         | DATE: 17/07/2023 |
| REPORT OF THE ASSISTANT HEAD OF DEPARTMENT |                  |

**Number: 5**

**Application Number: C23/0075/25/AC**

**Date Registered: 24/03/2023**

**Application Type: Vary Condition**

**Community: Pentir**

**Ward: Pentir**

**Proposal:** Application to amend conditions attached to planning permission C21/0042/25/LL for the erection of a two-storey dwelling, garage, creation of new vehicular access and associated works : Condition 2 - Variation of the approved plan to enable a change in the position of the proposed building within the site; Condition 9 - amendment in wording to require the completion of the access shown on the submitted plan prior to the occupation of the dwelling.

**Location:** Meifod Ffordd Penrhos, Penrhosgarnedd, Bangor, Gwynedd, LL57 2NL

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 This is an application to vary Condition 2 of planning permission C21/0042/25/LL for full planning permission to erect a two-storey dwelling and undertake associated works to enable a change in the position of the approved dwelling 3m towards the north-east. The approved dwelling is of cantilever design with the ground floor extending towards the north over a basement that has been sited transversely.
- 1.2 Amended plans were received when discussing this application, which show a reduction in the building's carbon footprint compared to what was originally approved. According to the amended plans, the ground floor would measure 23m long (instead of the previous 26m) and 6.6 wide and it would be 7.7m high above ground level in the northern elevation and 5.6m high in the southern elevation (facing the highway). The 'basement' has been divided into two sections, one section will be sited on the same incline as underneath the ground floor while the second section will be sited transversely to the ground floor and include an external terrace on the flat roof on the western section. The basement will measure 15.3m long (compared to the previous 17.3m), 6.9m wide and 3.4m high. The property will be covered with a mixture of render and stone cladding with substantial elements of glass on the northern and western elevations.
- 1.3 The proposal to move the location of the dwelling derives from the need to avoid development within the buffer zone, which extends 4m either side of the centre of the main sewer pipe that crosses the site.
- 1.4 The application also includes a proposal to vary Condition 9 of the previous permission to facilitate the construction work by ensuring that the final vehicular access is in place before using the dwelling rather than before developing the site.
- 1.5 The site is served by an access off Ffordd Penrhos, which is a third class county road and a parking area, garage and car port will be provided as part of the development. The rear of the site abuts a wooded area that has been designated as the Ffordd Treborth Woodland Wildlife Site and this separates the site from the Treborth garden centre.
- 1.6 The application is submitted to the Committee at the Local Member's request.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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### 2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

ISA 1: Infrastructure provision

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and where appropriate enhancing the natural environment

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 17: Settlement strategy

TAI 1: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 8: An appropriate mix of housing

PS 18: Affordable housing

### 2.5 National Policies:

Planning Policy Wales, Edition 11, 2021

Technical Advice Note 12

### 3. Relevant Planning History:

C22/1040/25/RA : Application to discharge planning conditions 3 (materials), 4 (level details), 5 (drainage plan) and 9 (access details) of planning permission C21/0042/25/LL for the erection of a two-storey dwelling, garage, creation of new vehicular access and associated works – Conditions 3, 4 & 9 discharged – 31/01/23

C21/0042/25/LL : Application for the erection of a two-storey dwelling, garage, creation of new vehicular access and associated works - Approved 22/12/21

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C06A/0663/25/LL : Construction of a house and garage (amended scheme to that refused under application number C06A/0154/25/LL) - Approved 15/03/21

C06A/0154/25/LL : Construction of house and garage - Refused 16/08/06

#### 4. Consultations:

Community/Town Council: Not received

Transportation Unit: Not received

Natural Resources Wales No observations to offer

Biodiversity Unit: No objection

Land Drainage Unit: No further observations regarding this application

Welsh Water No objection – need to retain Condition 5 of the previous application

Public Consultation: A notice was posted on the site and the neighbours were consulted. The advertising period has expired and the following observations regarding material planning matters were received, namely:

- The development will lead to a loss of privacy to the Brychdyn dwelling, which is to the east of the site
- Siting the building in this location would dominate the Brychdyn dwelling
- The building would extend beyond the building line of the rear of dwellings in this part of Ffordd Penrhos
- The proximity of the property would follow the development contrary to the development pattern of Penrhosgarnedd.
- The new building would cast a shadow on amenity spaces at the rear of neighbouring properties

In addition, observations were received which are not material planning matters for this application:

- The location was the same as the one that had previously been proposed and changed
- The neighbours had proposed alternative plans that would be acceptable by them
- The Planning Authority had not dealt appropriately with applications on this site
- There had been no advance consultation regarding the latest application

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- Insufficient information had been submitted with the different applications submitted for this site
- The site had been for sale although no permission was in place for the development
- Development work has already commenced on the site
- It is possible that work undertaken on the site is contrary to the Party Wall Act
- The internal layout of the property is not rational
- No formal time extension has been granted to determine the application

In light of receiving amended plans, a further consultation was undertaken with neighbours.

- Observations were received from a representative of a neighbour to the site stating appreciation of the changes that had been made to the plan and general support for them; however, they requested more changes in order to reduce the impact of the development on neighbouring properties and questioned the procedure of reaching a decision regarding the applications on this site.

## 5. Assessment of the material planning considerations:

### The Principle of the Development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations indicate otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. The principle of the proposal to erect a house of a similar size and design on this site has already been accepted via permission C21/0042/25/LL. This application was considered in the context of all planning policies listed in 2.3 above and those policies have not changed since then. That permission has been implemented and is extant. Therefore, it is considered that the principle of erecting a dwelling on the site continues to be acceptable and is in accordance with the principle of current housing policies.

### Location and Impact on Amenities

- 5.2 Generally, policy PCYFF 2 of the Joint Local Development Plan approve proposals for new developments that comply with the LDP's other policies long as they will not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the landscape of the area in general.
- 5.3 The proposed changes would bring the basement of the new property down to 4.2m to the western gable end of the Brychdyn property next door, with the two-storey element 6.2m away from neighbours. Having said that, when considering the slope of the land, it is not believed that a significant impact would derive from the basement element on the amenities of neighbours. The two-storey element would be 0.7m higher than Brychdyn to the roof ridge and the roof ridge would be 9.6m from neighbouring properties with the eaves of the new house 1.2m lower than the

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gable end of Brychdyn. Whilst accepting that this is slightly closer than the distances between some of the adjacent dwellings on Ffordd Penrhos, such distances are not unexpected or uncommon in urban situations, and it is not believed that the distance between the properties would be contrary to the general development pattern of Penrhosgarnedd.

- 5.4 Similarly, by accepting that the new building would extend 3.3m beyond the "building line" of the rear of dwellings in this part of the area, there is no specific pattern for housing developments in Penrhosgarnedd, and it is not believed that this in itself would be harmful to the built amenities of the area.
- 5.5 The concerns of neighbours are noted regarding the loss of lighting and the risk of shadowing the rear of their properties as a result of the development. Whilst accepting that some shadowing will unavoidably derive from the development from the rear parts and side of Brychdyn for periods of the day, when considering the distance between the buildings and the relatively low height of the new house, it is not believed that significant harm would derive from the development to the residential amenities of neighbours and the new building will not be tantamount to a dominant element over its closest neighbours. It is also noted that concern was raised regarding the impact on the Llwyn Celyn property to the west of the site; however, when considering the distance that would be between the buildings, no significant harmful impact is anticipated on the amenities of this property.
- 5.6 In terms of overlooking, considering that the new building would be closer to the boundary with Brychdyn and that it is intended to have a landing window in the eastern elevation of the ground floor, it is believed that it would be reasonable for the window in question to be of opaque glass to avoid significant damage to the privacy of neighbours.
- 5.7 In light of the above discussion, it is believed that this amended plan remains acceptable under policy PCYFF 2 of the LDP as it relates to the protection of private amenities near development sites.

#### **The vehicular access**

- 5.8 The original application included a condition for the vehicular access to be finished in accordance with the submitted plans prior to commencing work on the site. In order to facilitate the development work, a request is made to vary this condition so that the vehicular access should not have to be completed in full in accordance with the plans until the house is ready for residential use. It is accepted that undertaking construction work on the site will unavoidably hinder any work undertaken on the access and, therefore, it is not practical to finish the access in full as the work progresses. Given the relatively straight nature of the nearby highway and its speed limit of 30 miles per hour, it is believed that this condition is not essential to ensure highway safety as the work progresses and, therefore, it is believed that allowing the variation of this condition would be acceptable under policy TRA 4 of the LDP as it relates to the protection of highway safety.

#### **Infrastructure Matters**

- 5.9 A public sewer pipe crosses the site and Welsh Water noted in its response to the previous planning application that it could be possible to move the sewer to develop the site and it was willing to approve the application with a condition to agree on a drainage plan for foul water, surface water and ground water. When undertaking the development work and assessing the options for a drainage plan, it became evident that it would not be practical to move the route of the sewer pipe to facilitate the development and, therefore, it was decided to change the location

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of the proposed house and site it in the site that is now under consideration. Welsh Water acknowledges that the proposed development would be located outside the protection zone, which measures 4 metres either side of the sewer's central line and, in accordance with this, it did not have any objection in principle to the proposal on the condition that they continued to comply with condition 5 of the original planning permission. The Land Drainage Unit had no objection to the plan either and, therefore, by adhering to the conditions of the original planning permission, it is believed that the proposal complies with the objectives of policy ISA 1 of the LDP as it relates to the protection of local infrastructure provision.

## **6. Conclusions:**

- 6.1 Considering the reduction in the development's footprint, especially in the extension towards the north, along with the above discussion about the amenity impacts, it is not believed that moving this house to the new location would have a significant harmful amenity impact on the site's appearance, the local development pattern or on private amenities and, therefore, it is considered that this application is acceptable. All material considerations were considered when determining this application; including those raised by objectors, but it has not changed the recommendation.

## **7. Recommendation:**

- 7.1 To approve subject to material planning conditions involving:

1. Compliance with the new submitted plans
2. The window on the eastern elevation of the ground floor to be opaque
3. The development shall be commenced within five years
4. No development to commence until a drainage plan for the site has been submitted to the Local Planning Authority and approved in writing.
5. The exact mitigation measures and the biodiversity enhancement suggestions, as included in sections 5.2 to 5.4 of the Preliminary Ecological Report submitted with application C21/0042/25/LL, must be followed.
6. It will not be permitted at any time for the highway's current boundary wall/hedge/fence or any new highway-facing boundary erected to be higher than 1 metre above the carriageway level of the adjacent county road from either end of the site's boundary to the highway and it is not permitted to erect anything higher than this within 2m of the wall in question.
7. The access must be planned and constructed completely in accordance with the submitted plans.
8. Removal of permitted development rights

### **Notes**

- 1 - Party Wall Act Note
- 2 - Draw the applicant's attention to the observations of Welsh Water
- 3 - Sustainable Drainage Systems Note