Number: 4

Application No.: **C21/0979/11/AC**

Date Registered: **13/10/2021**

Type of Application: **Discharge and variation of condition**

Community: **Bangor**

Ward: **Dewi**

Proposal: **Discharge and variation of condition 2 (minor external and internal amendments to some of the dwellings together with the erection of an additional privacy fence) of appeal consent APP/Q6810/A/20/3264389.**

Location: **Land off Pen y Ffridd Road, Pen Y Ffridd Road, Penrhosgarnedd, Bangor, LL57 2DQ**

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

1. Description:

1.1 This is a planning application under Section 73 of the Town and Country Planning Act 1990 to vary condition number 2 of appeal permission APP/Q6810/A/20/3264389 to erect 30 houses on Pen y Ffridd site in Bangor. The application involves undertaking the following changes: -

- Erect a hit and miss timber fence 1.8m high between the side gardens of nos. 26 and 27 and the rear of 1 and 2 Pen y Ffridd cottages in order to ensure the privacy of the occupants of the cottages.
- Replace a flat roof with a slate roof on the front porch of houses on plot nos. 23 to 26; 27 to 30; 5 to 14 and 21 to 22.

1.2 The site is located within the Bangor development boundary, as contained in the Anglesey and Gwynedd Joint Local Development Plan, 2017 (LDP); however, it has not been allocated for any specific use. It is intended to gain access to it from the Pen y Ffridd estate road. The application is submitted to Committee as the size of the site exceeds 0.5ha in surface area.

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 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching 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.

2.3 **Gwynedd and Anglesey Joint Local Development Plan 2011-2026 (LDP) adopted 31 July 2017: -**

Policy PCYFF 2 - development criteria.

Policy PCYFF 3 – design and place shaping.

Gwynedd Design Guidance (2003).

2.4 **National Policies:**

Technical Advice Note 12: Design (2016).

3. Relevant Planning History:

3.1 Application no. C19/1072/11/LL - a residential development of 30 units (to include 12 affordable units) together with infrastructure, parking areas, access, paths and an open space - refused in December, 2020. Approved on appeal in April 2021.

3.2 Pre-application enquiry for application number Y18/001545 for a residential development of up to 32 houses - the LPA's response stated that the mix of open market and affordable housing was acceptable in principle.

3.2 Application number C13/1143/11/AM - Outline application to erect up to 366 living units with ancillary developments including an access road, parking spaces and ancillary resources was refused on appeal in March 2018, on the grounds of the impact of the development on the Welsh language, principle, location, scale, level of affordable housing provision in general and sustainability.

3.4 Application C11/0632/11/LL – renewal of application C08A/0065/11/LL in relation to the construction of a new road – approved on 13.10.11

3.5 Application C08A/0065/11/LL - extending the commencement period of a development to construct a road approved under planning permission C05A/0525/11/LL - approved 01.04.08.

3.6 Application C05A/0525/11/LL - variation of condition on permission C98A/0111/11/LL as amended under condition 1 of planning permission C03A/0408/11/LL in relation to the commencement period of the development to create a new road between Caernarfon Road and Penrhosgarnedd Road – approved 26.09.05.

3.7 Application C03A/0408/11/LL – variation of condition 1 under planning permission C98A/0111/11/LL to extend the commencement period of developing a new road between Caernarfon Road and Penrhosgarnedd Road - approved 27.08.03.

3.8 Application C98A/0111/11/LL - new road between Caernarfon Road and Penrhosgarnedd Road including junctions and a car park and a new roundabout – approved 10.12.98.

4. Consultations:

Cyngor Cymuned/Tref:	No objection.
Public Consultation:	A notice was posted on the site and the advertising period has expired. No responses from the public were received regarding the content of this spcific application following the statutory notification period.

5. Assessment of the material planning considerations:

The principle of the development

5.1 This is a full planning application to vary condition number 2 of appeal permission APP/Q6810/A/20/3264389 to erect 30 houses on Pen y Ffridd site in Bangor and condition 2 states that the development must be delivered in accordance with the approved plans. The principle of developing the site for residential development has already been accepted by the Planning Inspectorate back in April 2021 and, therefore, any consideration of this latest application will be limited to the effect of the proposal (namely, erecting a screening fence as well as installing porches on the front of some of the houses) on the visual amenities and residential amenities of neighbouring occupants.

Visual amenities

5.2 Policy PCYFF 3 states that proposals will be approved, including extensions and changes to existing buildings and structures, if they comply with a number of criteria including that the proposal adds or improves the character or appearance of the site, the building or the area in terms of setting, appearance, scale, mass, the height and elevation treatment; that it respects the context of the site and its place in the local landscape; that it uses materials that are appropriate to their surroundings and incorporates soft landscaping; that it improves a safe and integrated transport and communications network; that they limit the risk and danger of flood water run-off and prevent pollution; that it achieves an inclusive design that allows access for all and helps to create healthy and lively environments taking into account the health and well-being of future users.

5.3 As referred to above, the proposal involves replacing flat roofs for the front porches of 20 houses (part of a residential development of 30 houses) with natural slate single-pitch roofs to be in keeping with the main roofs. Given the requirements of Policy PCYFF 3 which states that developments are expected to display a high-quality design, it is believed in this case that the proposal to replace flat roofs in prominent places on the front of houses is an amenity improvement compared to that approved previously for flat roofs. It is also noted that erecting a timber fence, 1.8m high, would be acceptable between the side gardens of plots nos. 26 and 27 with the rears of nos. 1 and 2 Pen y Ffridd cottages on grounds of the effect on the visual amenities of the local area. To this end, therefore, it is deemed that this latest application is acceptable based on the requirements of Policy PCYFF3 of the LDP.

General and residential amenities

5.4 Policy PCYFF2 states that proposals that would have a significant detrimental impact on health, safety or amenities of the owners of local property, land materials or other property or the features of the local area due to an increase in activities, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution or other forms of disturbance or pollution, will be refused.

5.5 In addition to the above element of this application, it is also intended to erect a hit and miss style timber fence, 1.8m high, between the side garden of nos. 26 and 27 with the rear of nos. 1 and 2 of Pen y Ffridd cottages. This type of fence would ensure the privacy of the occupants of these cottages and, at the same time, comply with a condition included in the decision of the Planning Inspectorate in relation to introducing boundary treatment details with the properties of nos. 1 and 2 Pen y Ffridd cottages. To this end, and given the details submitted with this application, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF2 of the LDP.

6. Conclusions:

6.1 Based on the above assessment, it is considered that the proposal to vary condition 2 of the appeal permission is acceptable on grounds of protecting the visual amenities of the local area and the residential amenities of neighbouring occupants and it is not believed that the proposal is contrary to local or national policies and there is no material planning matter that outweighs these policy considerations. To this end, therefore, it is believed that this latest proposal is acceptable subject to the inclusion of the following condition.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following condition: -

1. The development hereby permitted shall be carried out in strict conformity with the details submitted to the Local Planning Authority, and contained in the form of application and in any other documents accompanying such application unless condition(s) to amend them is/are included on this planning decision notice. Notwithstanding the amendments hereby permitted, the remainder of the development must be completed in strict conformity with the details and conditions included in planning permission number C19/1072/11/LL.