

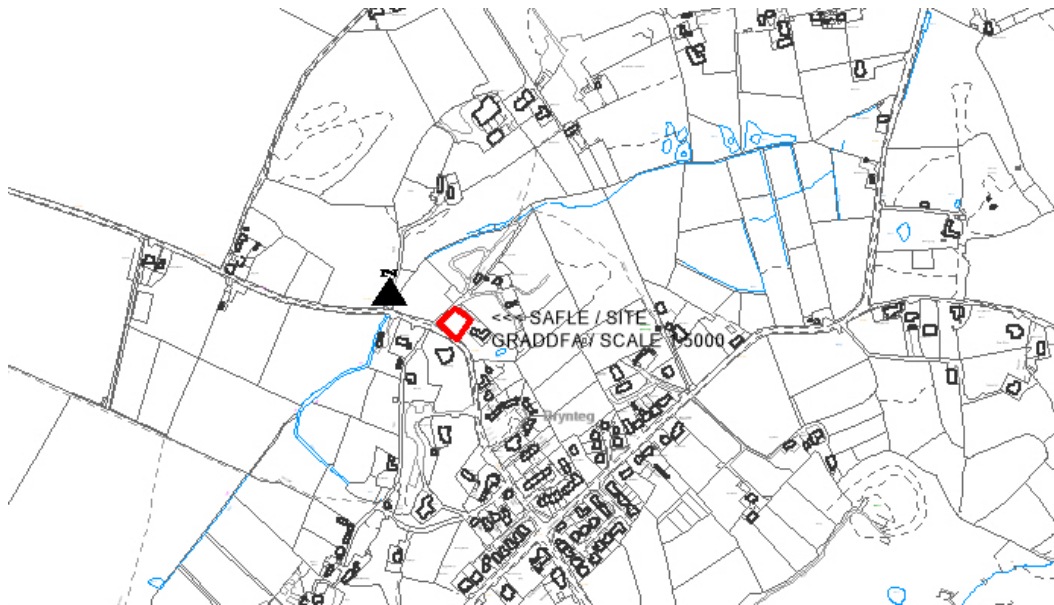
Rhif y Cais: **30C755B/DEL** Application Number

Ymgeisydd Applicant

Mrs Elaine Turnbull

Cais o dan Adran 73 i dynnu amodau (09), (10) a (11) (Côd am Cartrefi Cynaliadwy) ac i ddiwygio amod (08) (deunyddiau) o ganiatâd cynllunio rhif 30C755 (Cais amlinellol i codi annedd) ar dir yn / Application under Section 73 for the removal of conditions (09), (10) and (11) (Code for Sustainable Homes) and variation of condition (08) (materials) from planning permission reference 30C755 (Outline application for the erection of a dwelling) on land at

Min y Ffrwd, Brynteg



Planning Committee: 02/05/2018

Report of Head of Regulation and Economic Development Service (IWJ)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan in which the Local Planning Authority is minded to approve.

1. Proposal and Site

The application is made under Section 73 for the removal of conditions (09), (10) and (11) and the submission of details to discharge condition (08) from planning permission reference 30C755 (Outline application for the erection of a dwelling) on land at Min y Ffrwd, Brynteg.

Conditions (09), (10) and (11) relate to the Code for Sustainable Homes whilst condition (08) requires that trade description of proposed materials for external surfaces are submitted before development is commenced. Although development has not commenced at the site, the required details have been submitted as part of the proposal.

An extant reserved matters application for the erection of a dwelling, construction of a vehicular access together with connection to existing treatment plant has been previously approved at the site under reference number 30C755A.

2. Key Issue(s)

The applications key issue whether or not the removal of the conditions is reasonable, necessary and can be justified under planning policy. It is also necessary to assess whether not the proposed materials are acceptable.

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PCYFF5 – Carbon Management

PCYFF 6 – Water Conservation

PS 1 – Welsh Language and Culture

PS2 – Infrastructure and developer contributions

PS4 – Sustainable transport, development and accessibility

PS5 – Sustainable Development

PS6 – Alleviating and adapting to the effects of climate change

TRA 2 – Parking Standards

TRA 4 – Managing transport impacts

ISA 1 – Infrastructure Provision

TAI6 – Housing in Clusters

Supplementary Planning Guidance “Design Guide for the Urban & Rural Environment”

4. Response to Consultation and Publicity

Community Council – Refuse since no drawings have been submitted.

Local Member (Margret Murley Roberts) – No response

Local Member (Vaughan Hughes) – No response

Local Member (Ieuan Williams) – No response

Built Environment – No Objection

The application was afforded three means of publicity; these were by the posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert within the local press. The latest date for the receipt of representations was 13/04/2018. At the time of writing this report no representations had been received at the department following the publicity period.

5. Relevant Planning History

30C755 - Outline application with all matters reserved for the erection of a dwelling on land at Min Y Ffrwd, Brynteg – Approved 14/10/2013

30C755A - Application for reserved matters for the erection of a dwelling, construction of a vehicular access together with connection to existing treatment plant at Min Y Ffrwd, Brynteg – Approved 23/11/2016

6. Main Planning Considerations

The principle of a dwelling has already been established under planning application 30C755. A reserved matters application was subsequently approved under reference 30C755A.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan, Brynteg is now identified as a Cluster under policy TA11 of the JLDP where any new dwelling must be for an affordable local need on an infill site. The application is made under Section 73 relating to an approved open market dwelling house and therefore contrary to development plan policies. However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 30C755A was approved on the 14/10/2013. Condition 01 of planning permission 30C755 requires that the development shall begun not later than five years from the date of the permission or the expiration of two years from the date of approval of the last of the reserved matters to be approved. It is considered that the likelihood of it being implemented is very likely as the period to begin the development is extant.

Removal of Conditions (09), (10) and (11)

The current application entails the removal of conditions (09), (10) and (11) of planning permission 30C755 which relate to Code for Sustainable Homes. Since matters relating to method of construction with respect to climate change are no longer governed by the planning regime but Regulation 26, Part L of Building Regulations, it is considered that the conditions are no longer necessary. It is therefore reasonable that they are removed as stated with the Welsh Government letter 016/2014: The use of planning condition for Development Management.

Variation of Condition (08)

Condition (08) of planning permission 30C755 requires the submission of trade descriptions of the materials proposed to be used on external surfaces of the development prior to commencement of the development. Details of the proposed materials have been submitted as part of the application in an effort to discharge the condition.

The proposed materials are considered acceptable and would not have a detrimental impact upon the area.

7. Conclusion

The application is contrary to Policy TA16 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for an open market dwelling.

It is considered that the previous applications 30C755 and 30C755A are likely to be implemented and the proposed removal of conditions 09, 10 and 11 and the discharge of condition 08 are acceptable.

The recommendation 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 WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

8. Recommendation

Permit.

(01) The development hereby permitted shall be begun not later than the expiration of two years from the date of approval of the reserved matters application reference number 30C755A.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(02) The car parking accommodation shall be completed in full accordance with the details submitted under drawing reference SH1563 before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(03) The turning area shall be completed in full accordance with the details as submitted under drawing reference SH1563 before the dwelling is occupied and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(04) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 30C755 & 30C755A.

Drawing/ Document Number	Date Received	Plan Description
C81-BUI-26-07-13-LOC	22/08/2013	Location Plan
C81-BUI-26-07-13-LOC01	22/08/2013	Proposed Site Plan
A01	05/10/2016	Proposed Floor Plans and Elevations
A02	05/10/2016	Site Layout – Plot 1

Section 06	02/03/2018	Application Form – List of Trade descriptions of proposed materials
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Reason: To ensure that the development is implemented in accord with the approved details.

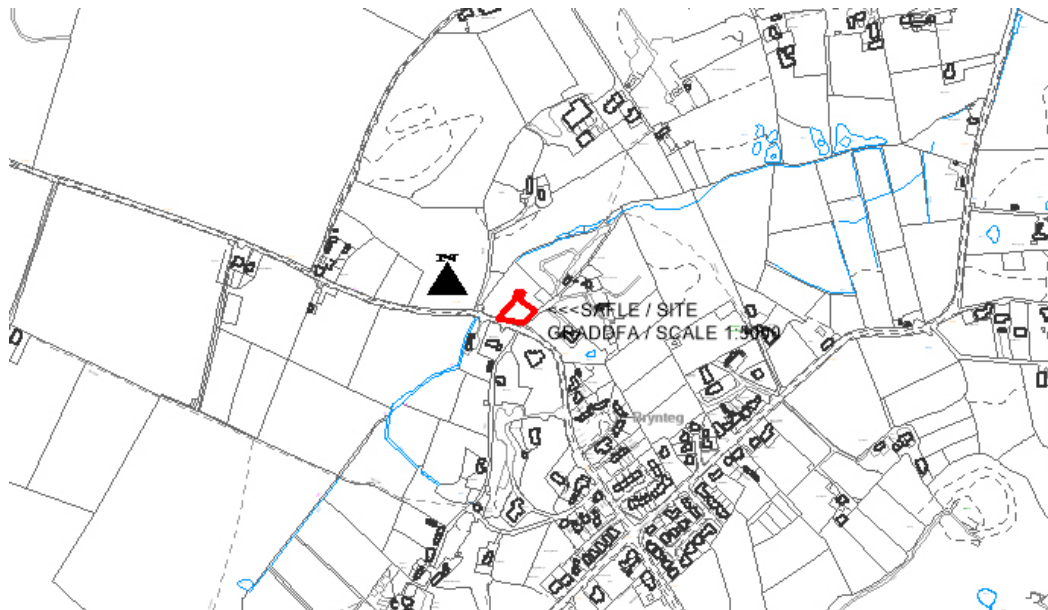
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

Rhif y Cais: **30C756B/DEL** Application Number

Ymgeisydd Applicant

Mr Graham Scott Turnbull

Cais o dan Adran 73 i dynnu amodau (09), (10) a (11) (Côd am Cartrefi Cynaliadwy) ynghyd a diwygio amod (08) (deunyddiau) o ganiatâd cynllunio rhif 30C756 (codi annedd) ar dir yn / Application under Section 73 for the removal of conditions (09), (10) and (11) (Code for Sustainable Homes) together with the variation of condition (08) (materials) from planning permission reference 30C756 (erection of a dwelling) on land at

Min y Ffrwd, Brynteg

Planning Committee: 02/05/2018

Report of Head of Regulation and Economic Development Service (LFW)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

1. Proposal and Site

The application is made under Section 73 for the removal of conditions (09), (10) and (11) and the submission of details to discharge condition (08) from planning permission reference 30C756 (Outline application for the erection of a dwelling) on land at Min y Ffrwd, Brynteg.

Conditions 09, 10 and 11 relate to the Code for Sustainable Homes whilst condition 08 requires that trade descriptions of the proposed materials for external surfaces are submitted before development is commenced. Although development has not commenced at the site, the required details have been submitted as part of the proposal.

An extant reserved matters application for the erection of a dwelling, construction of a vehicular access together with the installation of a treatment plant has been previously approved at the site under reference number 30C756A.

2. Key Issue(s)

The applications key issue is whether or not the removal of the conditions is reasonable, necessary and can be justified under planning policy. It is also necessary to assess whether or not the proposed materials are acceptable.

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries
PCYFF2 – Development Criteria
PCYFF3 – Design and Place Shaping
PCYFF 4 – Design and Landscaping
PCYFF5 – Carbon Management
PCYFF 6 – Water Conservation
PS 1 – Welsh Language and Culture
PS2 – Infrastructure and developer contributions
PS4 – Sustainable transport, development and accessibility
PS5 – Sustainable Development
PS6 – Alleviating and adapting to the effects of climate change
TRA 2 – Parking Standards
TRA 4 – Managing transport impacts
ISA 1 – Infrastructure Provision
TAI6 – Housing in Clusters

Supplementary Planning Guidance “Design Guide for the Urban & Rural Environment”

4. Response to Consultation and Publicity

Community Council – No response to date

Local Member (Margaret Murley Roberts) – No response to date

Local Member (Vaughan Hughes) – no response to date

Local Member (Ieuan Williams) – No response to date

Built Environment – No objection

Footpaths officer – No response to date

The application was afforded three means of publicity; these were by the posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert within the local press. The latest date for the receipt of representations was 12/04/2018. At the time of writing this report no representations had been received at the department following the publicity period.

5. Relevant Planning History

30C756 – Outline application with all matters reserved for the erection of a dwelling on land at Min y Ffrwd, Brynteg – Approved 17-10-2013

30C756A – Application for reserved matters for the erection of a dwelling, construction of a vehicular access together with the installation of a treatment plant at Min y Ffrwd, Brynteg – Approved 28-11-2016

6. Main Planning Considerations

The principle of the erection of a dwelling has already been established under planning application 30C756 and a later reserved matters application was approved under reference 30C756A.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan (JLDP), Brynteg is now identified as a Cluster and therefore any new dwelling must be for an affordable local need on an infill site. As such, the application is contrary to Policy TA16 of the JLDP. However, as the application site has an extant planning permission, the following must be considered:-

- Is there a likelihood that the existing permission can be implemented;
- Are the amendments to the permission better than that previously approved?

Application reference 30C756A was approved on the 28/11/2016, Condition 01 on permission 30C756 required that the development shall begin not later than five years from the date of approval of the last of the reserved matters to be approved. It is considered that the likelihood of it being implemented is very likely and as the period to begin the development is extant.

Removal of conditions (09),(10) (11)

The current application entails the removal of conditions (09), (10) and (11) of planning permission 30C756 which relates to the Code for Sustainable Homes. Since matters relating to method of construction with respect to climate change are no longer governed by the planning regime but Regulation 26, Part L of Building Regulations, it is considered that the conditions are no longer necessary. It is therefore reasonable that they are removed as stated with the Welsh Government letter 016/2014: The use of planning conditions for Development Management.

Variation of Condition (08)

Condition (08) of planning permission 30C756 requires the submission of trade descriptions of the materials proposed to be used on external surfaces of the development prior to commencement of

the development. Details of the proposed materials have been submitted as part of the application in an effort to discharge the condition.

The proposed materials are considered acceptable and would not have a detrimental impact upon the area.

7. Conclusion

The application is contrary to Policy TA16 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for an open market dwelling.

It is considered that the previous applications 30C756 and 30C756A are likely to be implemented and the proposed removal of conditions 09, 10 and 11 and the discharge of condition 08 are acceptable.

The recommendation 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 WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

8. Recommendation

Permit

(01) The development hereby permitted shall be begun not later than the expiration of two years from the date of approval of the reserved matters application reference number 30C756A.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990.

(02) The car parking accommodation shall be completed in full accordance with the details submitted under drawing reference SH1563 (plot 2) before the use hereby permitted is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(03) The turning area shall be completed in full accordance with the details as submitted under drawing reference SH1563 (plot 2) before the dwelling is occupied and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(04) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 30C756 & 30C756A.

Drawing/ Document Number	Date Received	Plan Description
C81-BUI-26-07-13- LOC02	22/08/2013	Location Plan
C81-BUI-26-07-13- PLA02	22/08/2013	Proposed Site Plan

A01	20/10/2016	Proposed Floor Plans and Elevations (plot 2)
A02	20/10/2016	Site Layout – Plot 2
Section 06	19/02/2018	Application Form – List of Trade descriptions of proposed materials

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.

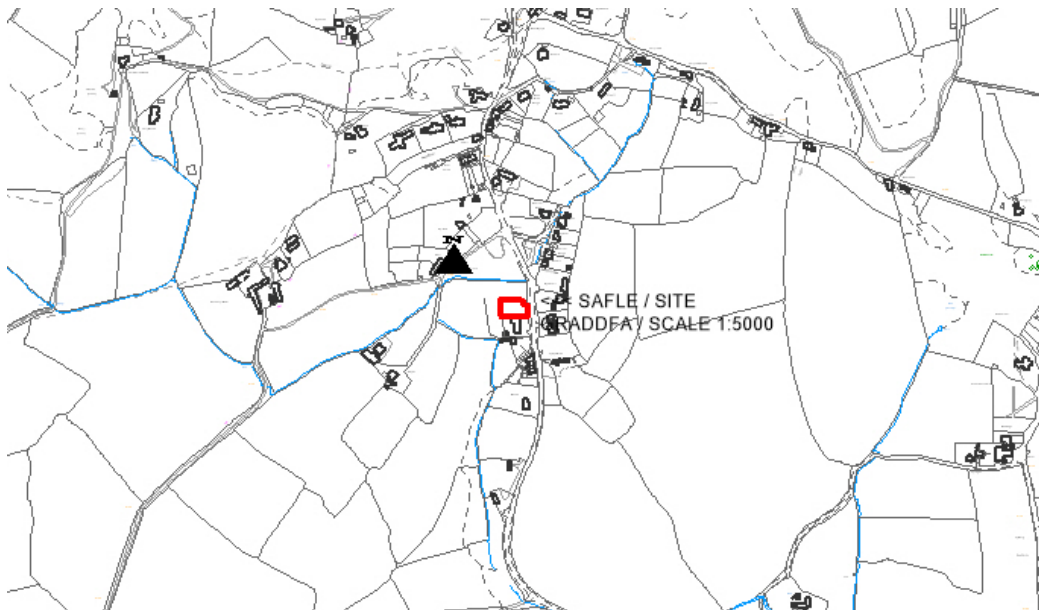
Rhif y Cais: **35C280F/VAR** Application Number

Ymgeisydd Applicant

Mr Lee Dixon

Cais o dan Adran 73 i ddiwygio amod (03) (cynllun draenio) o ganiatâd cynllunio rhif 35C280C er mwyn cyflwyno gwybodaeth ar ôl dechrau gwaith ar dir ger / Application under Section 73 for the variation of condition (03) (drainage scheme) of planning permission reference 35C280C so as to submit the information after work has commenced on land adjacent to

Pen y Waen, Llangoed



Planning Committee: 02/05/2018

Report of Head of Regulation and Economic Development Service (IWJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan in which the Local Planning Authority is minded to approve.

1. Proposal and Site

The application is made under section 73 for the variation of condition (03) (drainage scheme) of planning permission reference 35C280C so as to submit the information after work has commenced on land adjacent to Pen Y Waen, Llangoed.

An extant application for the erection of a dwelling together with the construction of a vehicular access has previously been approved at the site. Development has since commenced at the site.

2. Key Issue(s)

The applications key issue whether or not the drainage details are acceptable and could be submitted following the commencement of works.

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

PCYFF5 – Carbon Management

PCYFF 6 – Water Conservation

PS 1 – Welsh Language and Culture

PS2 – Infrastructure and developer contributions

PS4 – Sustainable transport, development and accessibility

PS5 – Sustainable Development

PS6 – Alleviating and adapting to the effects of climate change

TRA 2 – Parking Standards

TRA 4 – Managing transport impacts

ISA 1 – Infrastructure Provision

Supplementary Planning Guidance “Design Guide for the Urban & Rural Environment”

4. Response to Consultation and Publicity

Community Council – No Objection

Local Member (Lewis Davies) – No response

Local Member (Carwyn Jones) – No response

Local Member (Alun Roberts) – No response

Welsh Water – Satisfied that the submitted details met the requirements of conditions 03 of planning permission 35C280C. Welsh Water have also confirmed condition 02 is no longer required.

Drainage – Proposal satisfies the requirements of condition 03.

The application was afforded three means of publicity; these were by the posting of a notice near the site, the serving of personal notifications on the owners of neighbouring properties and an advert within the local press. The latest date for the receipt of representations is the 02/05/2018. At the time of writing this report, no representations have been received as a result of the publicity.

5. Relevant Planning History

35C280 - Outline application for the erection of a dwelling together with the construction of a new vehicular access– Withdrawn 07/01/2010

35C280A - Outline application for the erection of a dwelling, construction of a new vehicular access and visibility splay together with the installation of a treatment plant – Withdrawn 10/01/2011

35C280B - Outline application for the erection of a dwelling together with the construction of a new vehicular access – Approved 20/09/2013

35C280C - Full application for the erection of a dwelling together with the construction of a vehicular access – Approved 12/01/2017

35C280D/DIS - Application to discharge conditions (03) (drainage details) and (10) (traffic management scheme) from planning permission 35C280C – Condition 03 not discharged / Condition 10 Discharged 08/12/2017

35C280E/MIN - Minor amendments to scheme previously approved under planning permission 35C280C so as to join the garage to the dwelling – Approved 27/10/2017

6. Main Planning Considerations

The principle of a dwelling has already been established under planning application 35C280C.

Joint Local Development Plan

Since the adoption of the Joint Local Development the application site is considered contrary to the policy PCYFF1 within the Joint Local Development Plan which states that outside development boundaries development will be resisted unless it is in accordance with specific policies within the plan or national planning policies or that the proposal demonstrates that its location in the countryside is essential. The application site is located within the countryside, however as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 35C280C was approved on the 12/01/2017. Following visiting the site, it appears works have since commenced.

Condition (02) of planning permission 35C280C states:

No buildings on the application site shall be brought into use earlier than 31st December 2018, until the upgrading of the upgrading of the public sewerage system, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Welsh Water.

Condition 03 states:

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

The reason both conditions were attached to the permission was 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.

An application was previously submitted in an effort to discharge condition. However, since works had commenced at the site and condition 03, the condition could not be discharged.

The current application entails to vary the condition in order that the condition be discharged as part of the current application.

The proposal confirms surface water and land water flows are discharged into a watercourse whilst foul drainage will connect to the existing sewage network.

The drainage department have assessed the proposal and are satisfied that the requirements of condition 03 has been discharged. Although the surface water proposal is not sustainable system (SuDs) in the traditional sense, it does provide some sustainable features with regard to a controlled discharged on site attenuation. The drainage department have concluded 'considering the constrains of the site, I consider that the system as detailed is a reasonable compromise form a sustainable perspective'. Since no new surface water connections are being proposed into the public sewage system, Welsh Water have confirmed they are satisfied with the requirements of condition 03.

With respect to condition 02, Welsh Water have confirmed although the local network has not yet been upgraded the condition is no longer required since the developer has devised an alternative engineering solution (design has been amended from a gravity to a pumped system) that would negate the need to await network improvement works.

7. Conclusion

The application is contrary to the policies contained within the Joint Local Development Plan; however the fallback position is that the application site has an extant and implemented planning permission for an open market dwelling.

Development has commenced at the site. It is considered that the proposed details submitted as part of the proposal are acceptable in meeting the requirements of condition 03. It is also considered condition 02 is no longer necessary.

The recommendation 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 WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

8. Recommendation

Permit.

(01) The development hereby approved shall be carried out in accordance with the submitted drainage scheme (drawing reference numbers 025/EW03C and 025/EW06B). The scheme shall be implemented in accordance with the approved details prior to the

occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with 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.

(02) The access shall be laid out and constructed strictly in accordance with the submitted before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety

(03) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety

(04) The access shall be constructed with 2.4 metre by 43 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety

(05) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety

(06) 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 comply with the requirements of the Highway Authority in the interests of road safety

(07) No surface water from within the curtilage of the site to discharge onto the county highway. No dwelling shall be occupied until full design details for the drainage of the site have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full and to the written satisfaction of the Local Planning Authority.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety

(08) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) submitted below under planning application reference 35C280C & 35C280D/DIS & 35C280F/VAR.

Drawing/ Document Number	Date Received	Plan Description
025/EW03C	18/11/2016	Proposed Surface Water Drainage Layout
025/EW04A	18/11/2016	Proposed Road Layout
	16/08/2016	Proposed Site Plan
	16/08/2016	Proposed Floor Plans
	16/08/2016	Proposed Elevations
025/EW03C	09/03/2018	Proposed Surface Water Drainage Layout

025/EW06B	19/02/2018	Proposed Foul Sewerage Layout
	06/04/2017	Construction Traffic Management Plan

Reason: For the avoidance of doubt.

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.

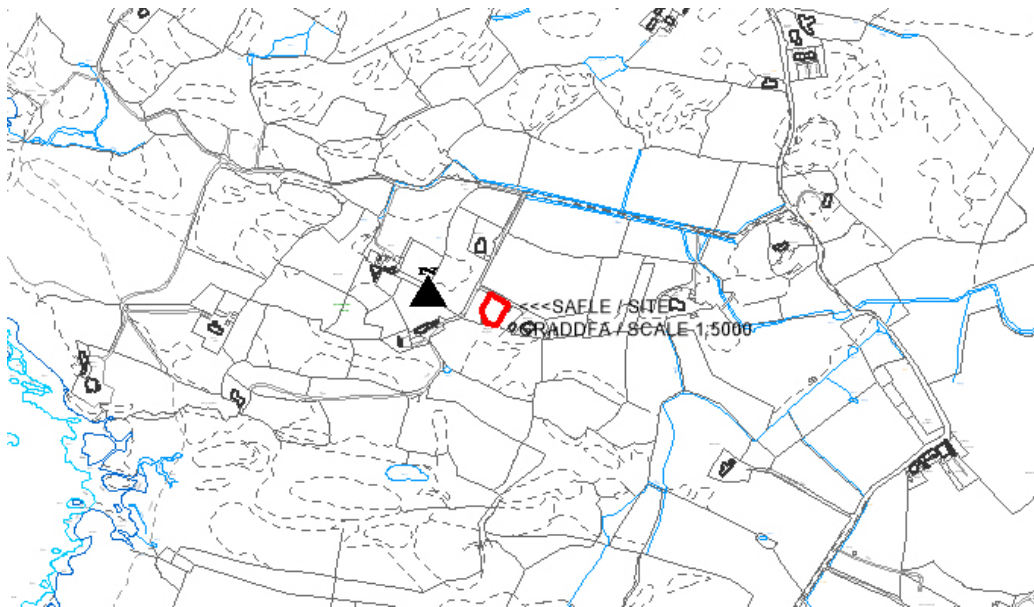
Rhif y Cais: **43C54G/VAR** Application Number

Ymgeisydd Applicant

Mr Graham Milner

Cais o dan Adran 73 i ddiwygio amod (01) o ganiatâd cynllunio rhif 43C54F (codi annedd) er mwyn caniatáu 5 mlynedd yn ychwanegol i gychwyn y datblygiad yn / Application under Section 73 for the variation of condition (01) of planning permission reference 43C54F (erection of a dwelling) so as to allow a further 5 years to commence development at

Gwynfryn Lodge, Rhoscolyn



Planning Committee: 02/05/2018

Report of Head of Regulation and Economic Development Service (DPJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The planning application is a departure from the development plan which the Local Planning Authority (hereinafter referred to as LPA) are minded to approve.

1. Proposal and Site

The application site is located in a cluster of buildings which are located in the countryside and in an area forming part of the Area of Outstanding Natural Beauty "AONB".

Full planning permission 43C54F was granted on 26.04.2013 for a dormer type bungalow. This planning application under section 73 of the Town and Country Planning Act 1990 (as amended) is made for a further five year period in which the development can be commenced.

2. Key Issue(s)

- Compliance development plan policies in relation to the conversion of existing buildings in the countryside to a residential use.
- Lawfulness of the development implemented.
- Area of Outstanding Natural Beauty

3. Main Policies

Anglesey and Gwynedd Joint Local Development Plan (2017) "JLDP"

TRA 2: Parking Standards

PS 5: Sustainable Development

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PS 17: Settlement Strategy

AMG 1: Area of Outstanding Natural Beauty Management Plans

AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character

AMG 5: Local Biodiversity Conservation

Planning Policy Wales Edition 9 (Edition 9, November 2016)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance: Design in the Urban and Rural Built Environment (2008).

Anglesey AONB Management Plan 2015 - 2020

4. Response to Consultation and Publicity

Councillor Trefor Lloyd Hughes – Delegate to officers.

Community Council – No observations received at the time of writing.

Ecological & Environmental Adviser – Informatives are recommended to ensure compliance with legislative requirements protecting nesting birds.

Highways – No objections and informative is suggested as regards a traffic management plan.

Landscape Officer - Landscape policies AMG 1, AMG 3 & PCYFF 4 would apply here.

MOD – No safeguarding objection.

Welsh Water - No observations.

5. Relevant Planning History

43C54 Erection of a dwelling Refused 08.05.1990.

43C54A Erection of a bungalow Refused 08.20.1990.

43C54B Erection of a bungalow Conditionally approved 11.06.1991 subject to a legal agreement restricting occupation to a local person.

43C54C/DA Detailed plans for the erection of a bungalow Conditionally approved 20.02.1992.

43C54D Application for a certificate of lawfulness to show that a material start has been made on planning permission 43C54C/DA Withdrawn 24.03.2011.

43C54E Application for a certificate of lawfulness to show a material start has been made on planning permission 43C54C/DA Approved 28.05.2012.

43C54F Full application for amended plans for the erection of a dwelling together with the construction of a cesspit Conditionally approved 26.04.2013.

43C54G/SCR Screening opinion for the erection of a dwelling, under consideration at the time of writing.

6. Main Planning Considerations

Principle of the Development –The application site subject to this application is located in the countryside under the provisions of PCYFF 1 of the JLDP. As the application site is located in the countryside under the JLDP the principle of residential development is not acceptable. The application has therefore been advertised as a departure to the development plan for this reason and is being reported to the planning committee because the LPA are recommending approval.

As detailed in the planning history section of this report the application for a Certificate of Lawfulness of Existing Use or Development under reference 43C54E “CLEUD” established that a material start has been made on planning permission 43C54C/DA such that there remains an extant planning permission for a bungalow on the application site. Planning permission 43C54F was subsequently granted for dormer bungalow on the basis that the CLEUD had established the lawfulness of a bungalow on the application site. The same consideration applies in this instance in that given that the CLEUD establishes the principle of a residential bungalow on the application site the principle of residential development is acceptable notwithstanding the policies in the JLDP which normally resist residential development in this location.

Area of Outstanding Natural Beauty -The proposal is within the AONB and relevant policy considerations in relation to this statutory landscape designation require that the proposed development conserve and enhance the AONB.

Policy AMG 1 states that proposals must where appropriate have regard to the relevant AONB Management Plan. This includes for instance policy CCC 3.2 which states that new developments

will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB.

It is considered that the proposed development is of a high quality design, incorporating natural stone elements and slate. Conditions have been recommended defining these requirements clearly. Further landscaping is being required by condition as part of the application subject to this report which will further contribute towards the policy aims of conserving and enhancing the AONB having regard to the Anglesey AONB Management Plan 2015 – 2020.

Other Matters – Having regard to the council's duty under the requirements of the Environment Act 2016 it is considered that the landscaping scheme recommended will secure biodiversity improvements.

No objections are raised by the council's Highways Department subject to the planning conditions recommended. At the time of writing plans are awaited extending the application to the public highway but these do not affect the recommendation.

Foul sewerage from the development will be stored in a cesspit which is then emptied by tanker vehicle. These arrangements are acceptable to NRW subject to the requirements set out in their consultation response which will be included as an informative in the planning permission.

A Screening request under reference 43C54G/SCR is being processed at the time of writing and an update will be provided at the planning committee.

7. Conclusion

Given the extant planning permission although the residential part of the proposal comprises a departure from the development which would not normally be acceptable it is recommended for approval because there remains an extant planning permission for a dwelling on the application site.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements that would accrue as part of the development.

The recommendation 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 WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

8. Recommendation

That planning permission is **granted** under section 73 is granted subject to the following planning conditions:

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Drawing	Reference	Revision
Site Location Plan	D-1062-04-12-PL01	1012
Topographic Survey	D-1062-4-12-PL02	1012
Site Sections	D-975-07-10-PL03	1012
Site Layout Plan	D-1062-4-12-SS02	0612
Proposed Sections	D-1062-4-12-PL08	1012
Sections A-A & B-B Gwynfryn Cottage Gwynfryn Rhoscolyn	12_128/02	21/12/12
Proposed Plans	D-1062-4-12-PL05	1012
Proposed Elevations Sheet 1	D-1062-4-12-PL06	1012
Proposed Elevations Sheet 2	D-1062-4-12-PL07	1012

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

(03) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(04) No development shall commence until full details of all external materials and finishes (which shall include such details for all building(s)), hard landscaped areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(05) The external elevations of the development shall where specified on the plans hereby approved be finished with a local natural stone or a stone of equivalent colour texture and weathering characteristics. No development shall commence until samples of the natural stone have been submitted to and approved in writing by the Local Planning Authority. The details approved under this planning condition must thereafter be adhered to.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(06) No development shall take place until a scheme of landscaping and tree planting for the application site has been submitted to and approved in writing by the Local Planning Authority. The scheme approved under the provisions of this condition shall be implemented not later than the first planting season following the occupation of the dwelling.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(07) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(08) Notwithstanding the plans hereby approved no development shall take place until details of the proposed slab level(s) of the building(s) in relation to the existing and

proposed levels of the application site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) and the proposed site levels of the application site shall be constructed in accord with the details to be approved under the provisions of this condition.

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

(09) All foul drainage shall be contained within a sealed and watertight cesspool, which shall be fitted with a level warning device to indicate when the tank is full. The dwelling hereby approved shall not be occupied until the cesspool has been installed and is fully operational.

Reason To ensure that foul drainage arrangements for the proposed development are satisfactory.

(10) The car parking accommodation shall be completed in full accordance with the details as submitted before the dwelling(s) or flat(s) to which it relates is occupied and shall thereafter retained solely for those purposes.

Reason To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

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.