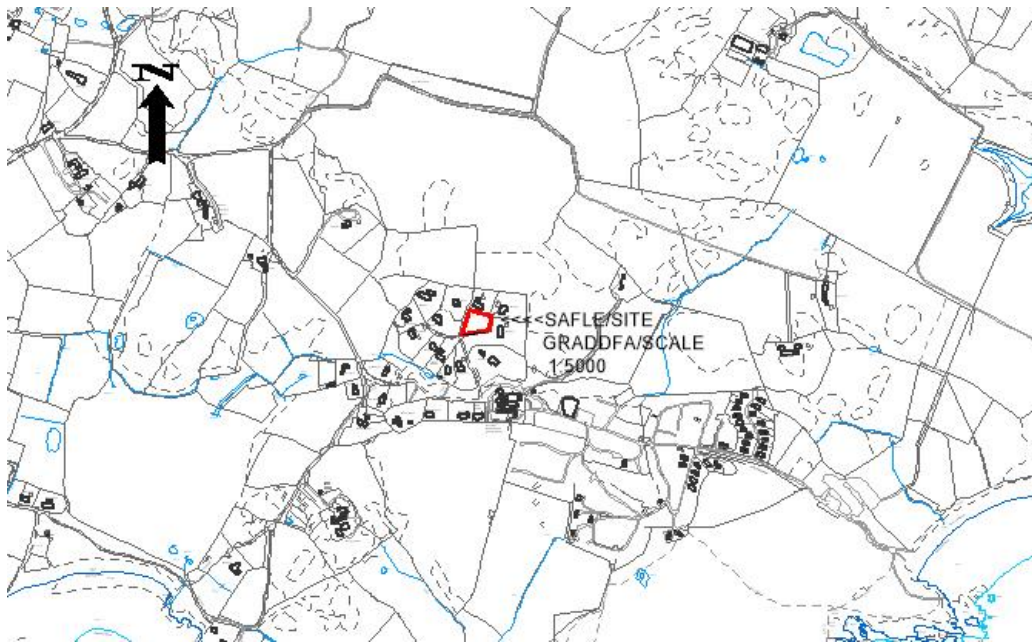


**Application Reference:** 43C182F/VAR

**Description:** Cais o dan Adran 73A i ddiwygio amod (10) (cynlluniau a gymeradwywyd) o ganiatd cynllunio rhif 43C182A (codi annedd gyda balconi ynghyd chodi modurdy ar wahan) fel y gellir gwneud newidiadau i ddyluniad y modurdy wedi i'r gwaith gychwyn ar y safle ar dir ger / Application under Section 73A for the variation of condition (10) (approved plans) of planning permission reference 43C182A (erection of a dwelling with a balcony together with the erection of a detached garage) so as to allow amendments to the design of the garage after works have commenced on site on land adjacent to

**Site Address:** Troiad y Llanw, Rhoscolyn



**Report of Head of Regulation and Economic Development Service (Gwen Jones)**

**Recommendation:** Approved

**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

**Proposal and Site:**

Application under Section 73 for the variation of condition (10) of planning permission reference 43C182A (The development shall be carried out in strict conformity as shown in the submitted plans) so as to amend the design of the garage on land adjacent to Troiad y Llanw, Rhoscolyn.

**Key Issues**

The key issue is whether the proposal is an improvement to that originally approved under application reference 43C182A.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd John Arwel Roberts	No response at the time of writing the report
Cynghorydd Dafydd Rhys Thomas	No response at the time of writing the report
Cynghorydd Trefor Lloyd Hughes	No response at the time of writing the report
Cyngor Cymuned Rhoscolyn Community Council	No response at the time of writing the report

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 9/11/18. At the time of writing the report two letters of objection had been received.

### Relevant Planning History

43C182A - Full application for the erection of a dwelling which includes a balcony, erection of a garage together with the installation of a septic tank on land adjacent to Troiad y Llanw, Rhoscolyn – 21/12/15 – Granted

43C182B/SCR – Screening opinion for the erection of a dwelling at Troiad y Llanw, Rhoscolyn – 16/11/15

43C182C/DIS – Discharge condition (05), (07), (08), (09) – Discharged 29/6/17

43C182D/MIN – Minor amendment to scheme previously approved under planning permission 43C182A so as to amend the external materials on land adjacent to Troiad y Llanw, Rhoscolyn – Granted 20/7/17

43C182E/VAR – Section 73A for the variation of condition (10) (approved plans) so as to allow the design of the garage at Troiad y Llanw, Rhoscolyn – Withdrawn 15/8/18

### Main Planning Considerations

The principle of developing the site has already been established under a historical Certificate of Lawfulness dated 06/06/2012 under 43C182. A full application was granted on the 21/12/15 under planning application 43C182A for the erection of a dwelling, together with the erection of a garage at Troiad y Llanw, Rhoscolyn on the 21/12/15.

### Joint Local Development Plan

Rhoscolyn is in an open countryside location and not within a recognised settlement. Therefore residential development is strictly controlled in this area.

The application currently under consideration does not comply with Policy PCYFF1 of the Joint Local Development Plan; 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 an improvement on that previously approved.

Application reference 43C182A was approved on the 21/12/15 and it is likely to be implemented.

The amendments proposed in the current application are as follows:-

- The design of the garage has been amended as follows:
  - The materials of the garage have been amended from brick and slate roof to brickwork and timber cladding and slate roof.
  - The height of the garage has been reduced from 5m high to 4.8m high
  - The width of the garage has been reduced from 6.8m to 6.7m
  - The roof pitch has been rotated so that the roof falls towards the front and rear elevation.

It is considered that the amendments have no additional impacts over the scheme that was previously approved under planning permission 43C182A.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 9/11/18. At the time of writing the report 2 objections were received. Their objections being as follows:-

- The garage is bigger than the original approval and will have a negative visual impact upon the AONB.
- Overdevelopment of the site
- Materials not in keeping with the area
- Changing the roof pitch will have a negative impact on our property

In response to the above objections:

- The garage is lower in height and width than what was previously approved under planning application 43C182A.
- It is not considered that the garage will be an overdevelopment of the site as it is located in the same location as that which was previously approved.
- The materials are high quality and it is not considered that it will be out of keeping with the area.
- It is not considered that changing the roof pitch will have a negative impact upon the immediate residential property due to its distance from the neighbouring residential properties.

## **Conclusion**

The application is contrary to Policy PCYFF1 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for the erection of a dwelling and garage.

It is considered that the previous application 43C182A is likely to be implemented and the amendments to reduce the proposed garage are considered an improvement to that originally approved.

## Recommendation

### Permit

**(01) The development to which this permission relates shall be begun no later than 21/12/20.**

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

**(02) The access shall be laid out and constructed strictly in accordance with the submitted plan 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.

**(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.

**(04) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall.**

Reason: To comply with the requirements of the Highway Authority.

**(05) 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.

**(06) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as that term is defined in Section 56 of the Town and Country Planning Act 1990 as amended) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development on any of the following permission: [43C182A - Full application for the erection of a dwelling which includes a balcony, erection of a garage together with the installation of a septic tank on land adjacent to Troiad y Llanw, Rhoscolyn].**

Reason: to prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority.

**(07) 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.**

- Elevation as Proposed 15-022-PL05 Rev B Received with planning application 43C182D/MIN
- Upper Level Floor Plan as Proposed 15-022 PL03 Rev A Received with planning application 43C182D/MIN
- Lower Level Floor Plan 15-022 PL04 Received with planning application 43C182A
- Elevations as Proposed 15-022 PL06 Rev A Received with planning application 43C182D/MIN

- **Site Section A-A as Existing and As Proposed 15-022 PL07 Received with planning application 43C182A**
- **Location Plan 15-022 LP01 Rev A Received with planning application 43C182A**
- **Site Plan as Proposed 15-022 PL02 Rev F Received with planning application 43C182F/VAR**
- **Proposed Elevations of Garage Swift Oak Received with planning application 43C182F/VAR**
- **Garage Roof covering and Wall Cladding as Proposed 15-022 PL10 Rev A Received with planning application 43C182F/VAR**
- **Drainage Plans EL (95)03 Rev A**
- **Drainage Plans EA (95) 03**
- **Drainage Plans 15-022 BR02 Rev C Received with planning application 43C182C/DIS**
- **Reptile and Nesting Birds Reasonable Avoidance Scheme + Method Statement Clwydian Ecology dated 17-3-17 Received with planning application 43C182C/DIS**

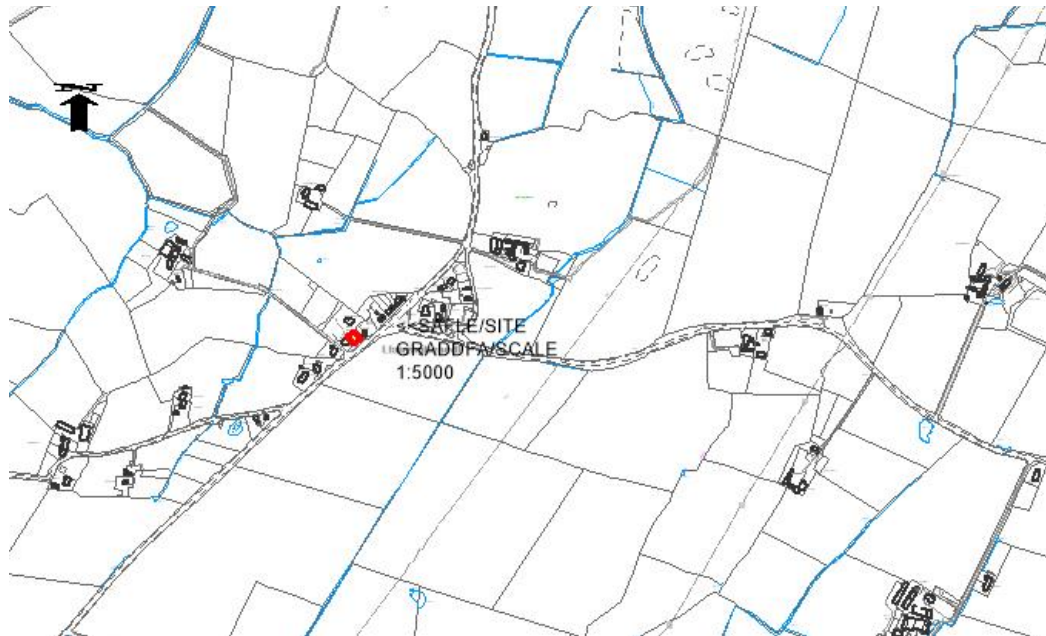
Reason: To ensure that the development is implemented in accord with the approved details.

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.

**Application Reference:** 49C308A/DEL

**Description:** Cais o dan Adran 73a i dynnu amod (03) (mynedfa a lle parcio) o ganiatâd cynllunio rhif 49C308 (Cais ôl-weithredol i gadw newid defnydd y capel i annedd ynghyd a chreu mynedfa newydd i gerbydau) yn / Application under Section 73a for the removal of condition (03) (access and parking area) from planning permission reference 49C308 (Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access) at

**Site Address:** Capel Hermon, Llanynghenedl



**Report of Head of Regulation and Economic Development Service (Gwen Jones)**

**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

**Proposal and Site:**

Application under Section 73a for the removal of condition (03) (access and parking area) from planning permission reference 49C308 (Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access) at Capel Hermon, Llanynghenedl.

**Key Issues**

The key issue is whether the highways authority is satisfied that there is adequate car parking available.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria

Policy PCYFF 3: Design and Place Shaping

Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Gwilym O Jones	No response received
Highways and Transportation	There is sufficient space within the layby to accommodate the parking associated with this development; therefore no objection raised to delete the condition.
Cyngor Cymuned Y Fali / Valley Community Council	No response received
Cynghorydd Richard Dew	No Response Received

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations was the 5/12/18. At the time of writing the report no letters were received.

### Relevant Planning History

49C308 - Retrospective application for the retention of the change of use of the chapel into a dwellinghouse together with the construction of a new vehicular access at Capel Hermon, Llanyngnedl  
- Approved 4/12/12

### Main Planning Considerations

The principle of the conversion has already been established under planning application 49C308 where permission was granted for the conversion of the chapel into a dwelling at Capel Hermon, Llanyngnedl on the 4/12/12.

### Joint Local Development Plan

The Joint Local Development Plan states that conversion of traditional buildings for residential use will only be permitted for employment use, if this is not an option, the development could provide an affordable unit. However, as the application site has an extant planning permission and the residential use has taken place prior to December 2012, the following must be considered:-

- Is there a likelihood that the existing permission can be implemented
- Are the amendments to the permission an improvement on that previously approved.
- Whether the Highways Authority are satisfied with the current parking arrangements.

Application reference 49C308 was approved on the 4/12/12 and the use as a dwellinghouse has commenced; therefore the permission has been safeguarded.

The amendments are proposed in the current application as follows:-

- Condition (03) required the applicant to provide access and parking arrangements to the local planning authority within one month of the permission. No details had been received; however, the applicant has requested that this condition is deleted due to adequate car parking facilities in front of the site.

The Highways Authority has confirmed that there is adequate car parking space within the layby to accommodate the parking associated with the development; therefore, no objection has been raised to delete the condition.

### **Adjacent residential properties**

Neighbouring properties have been notified of the development. The expiry date to receive representations being 5/12/18. At the time of writing the report no objections were received. It is not considered that the proposal will have a negative impact upon neighbouring properties.

### **Conclusion**

The application is contrary to Policy TAI7 of the Joint Local Development Plan; however the fallback position is that the application site has obtained planning permission for the conversion of the chapel into a dwelling with the use already commenced prior to December 2012.

It is not considered that condition (03) (access and car parking arrangement) went to the heart of the permission. The highways authority has confirmed that they have no objection to deleting the condition as there is sufficient car parking arrangement available in the layby.

### **Recommendation**

#### **Permit**

**(01) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2m. of the said wall.**

Reason: To ensure that the siting and design of the sign will be satisfactory from an amenity point of view and to comply with the requirements of the Highway Authority in the interests of the safety of vehicular and pedestrian traffic.

**(02) No surface water from within the curtilage of the site to discharge onto the County Highway. The drainage of the highway at the access along the frontage to be carried out to the requirements of the Highway Authority before any work on the remainder of the development is commenced.**

Reason: To comply with the requirements of the Highway Authority.

**(03) The provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: In the interests of residential and visual amenity.

**(04) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted under planning application reference 49C308.**

- **Location Plan - Received 17-10-18**
- **Proposed Floor Plan and Sections - Received 7-9-18**



- **Proposed Elevations - Received 7-9-18**

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