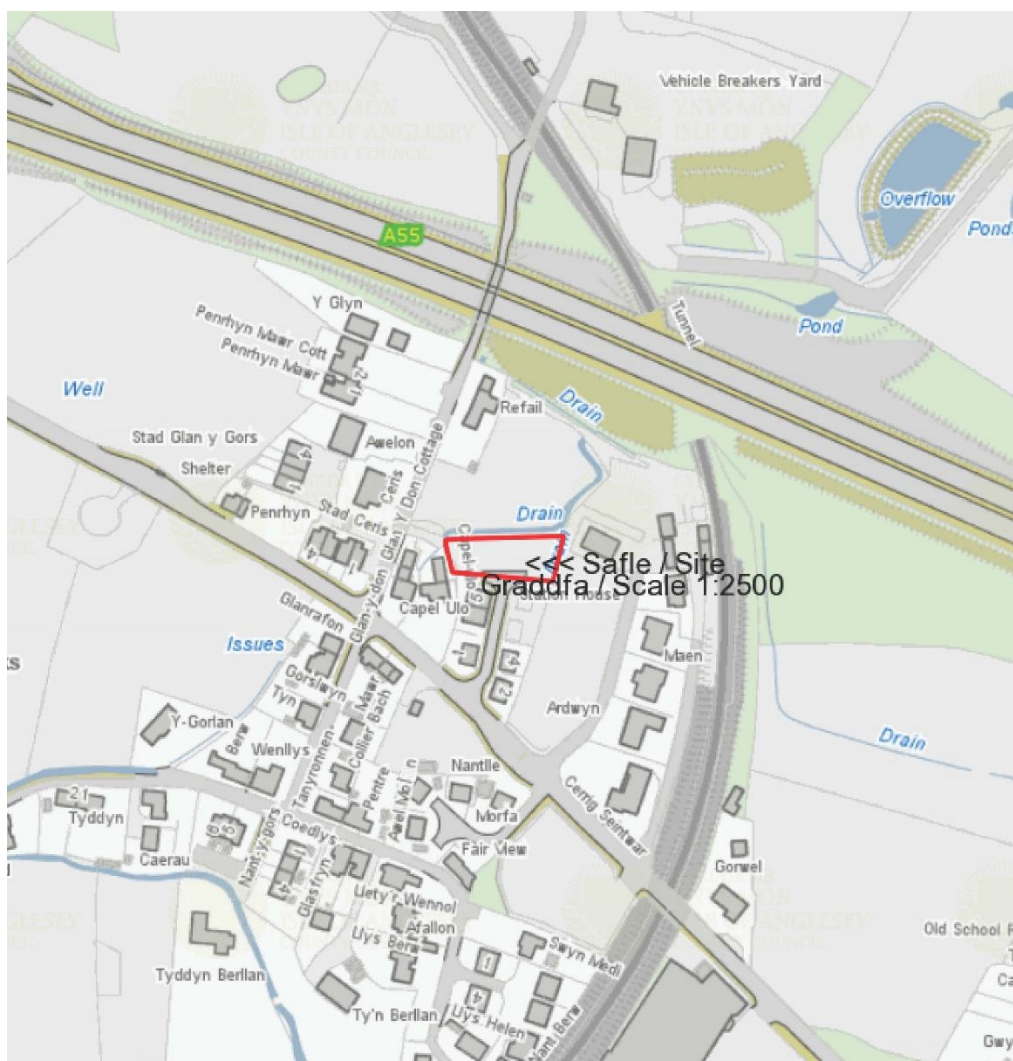


Application Reference: VAR/2018/14

Applicant: Patrick Lee

**Description:** Cais o dan Adran 73A i ddiwygio amod (07)(Cynlluniau a gymeradwywyd) o caniatâd cynllunio rhif 33C102G (Codi 3 annedd ar leiniau 8, 9 & 10) er mwyn galluogi plotiau 8 a 10 i gynyddu mewn maint a diwygio cyfeiriadedd y safle i fod yn anheddau 4 ystafell wely ynghyd â diwygio gosodiadau'r llefydd parcio yn / Application under Section 73A for the variation of condition (07)(Approved Plans) from planning permission reference 33C102G (Erection of 3 dwellings on plots 8, 9 & 10) so as to allow plots 8 & 10 to increase in size and amend site orientation to become 4 bed dwellings together with amending parking layouts at

**Site Address:** Plots 8, 9 & 10, The Herb Garden, Llain Capelulo, Pentre Berw, Gaerwen



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

Recommendation: Caniatáu / Permitted

## 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

The proposal entails a slight reduction of two dwellings together with increasing the size of 1 dwelling previously approved on the site together with its re-location within the plot.

## Key Issues

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

## Policies

### Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI6 – Housing in Clusters

## Response to Consultation and Publicity

Consultee	Response
Awdurdod Glo / Coal Authority	Confirmation has been received that the application site does not fall with the defined Development High Risk Area and is located within the defined Development Low Risk Area.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Cynghorydd Eric Wyn Jones	No response at the time of writing the report.
Cynghorydd Dafydd Roberts	No response at the time of writing the report
Cyngor Cymuned Llanfihangelesceifiog Community Council	No response at the time of writing the report.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response at the time of writing the report.
Priffyrdd a Trafnidiaeth / Highways and Transportation	Supportive of the application.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing the report.
Head of Service (Housing)	No response at the time of writing the report.

Site notices were placed near the site and neighbouring properties were notified by letter. The planning application was also advertised in the local newspaper as the development is contrary to policies of the

Joint Local Development Plan. The expiry date for receiving representations was the 22nd February, 2019. At the time of writing the report one letter of objection had been received. The main reasons for objecting as follows:

- The land is very narrow and not enough room for 3 dwellings on the application site.
- Access to the estate is narrow and further dwellings will increase traffic and will be a health and safety risk.
- Sewage is currently dealt with by a pumping station and is not efficient. Increasing numbers will increase the pressure on the drainage system.

In response to the objections raised:

- It is not considered that the amended plans will have any more impact upon neighbouring properties over that previously approved.
- There is an extant permission on the site for 3 dwellings.

### **Relevant Planning History**

33C102G - Full application for the erection of 3 dwellings at Herb Garden - Granted 26/06/08

33C102K/LUC - Application for a Certificate of Lawfulness for the proposed use for the erection of 3 dwellings - Lawful - 29/11/18.

### **Main Planning Considerations**

Pentre Berw is identified as a Cluster in the Joint Local Development Plan which allows the erection of affordable houses for local need on a site between or on the edge of a coloured building as shown on the Inset Map.

Full planning permission has been granted on the site under planning application reference 33C102G which was approved on the 26/6/08 and a subsequent certificate of lawfulness application was proved lawful on the 29/11/18 under planning application reference 33C102K/LUC.

### **Variation of Conditions (07)**

The application seeks the variation of condition (07)

Previously approved plans consisted of 3no, 3bedroom dwellings with a ground floor area of 63 square metres.

The amendments are as follows:-

#### **Amendments to Plot 8**

The amended plans proposes the erection of 1no 4 bedroom dwelling with a ground floor area of 70.72 square metres, slightly larger than the approved dwellings.

The proposal also involves the re-location of Plot 8 within the application site due to an easement on the land.

#### **Amendments to Plot 9 + 10**

The amended plans consist of 2no 3 bed dwellings with a ground floor area of 62.10 square metres. In terms of scale, the dwellings are slightly smaller than the previously approved dwellings. The design of the dwellings are identical to the previously approved permission apart from the addition of velux windows

to the front and rear elevation and one of the windows on the rear elevation of plot 8 has slightly increased in size.

**Policy Context** – The principle of the erection of three dwellings on the site has been established under planning application 33C102G and later certificate of lawfulness application was proved lawful under planning application 33C102K/LUC.

**Joint Local Development Plan** – Pentre Berw is identified as a cluster where housing proposals can be supported for affordable housing for local need between or adjacent to buildings coloured on the Inset Map under Policy TAI 6.

The application currently under consideration does not comply with the requirements of Policy TAI 6 as the dwellings are open market houses. 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.

Drainage works has commenced on the application site and the permission has been proved lawful under planning application 33C102K/LUC; therefore, it is likely that the permission will be implemented.

The amendments proposed are not considered to be a deterioration of that approved under the previous permission.

#### **Affect on amenities of surrounding properties.**

Neighbouring properties have been notified of the proposed development. The expiry date to receive representations was the 27th February, 2019. At the time of writing the report one letter of objection had been received. It is not considered that the proposal will have any more impact upon the amenities of adjacent residential properties than what has previously been approved.

#### **Conclusion**

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.

The application is contrary to Policy TAI 6 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for 3 dwellings.

The amendments proposed is not considered to be a deterioration of that approved under the previous permission and does not have an impact upon the adjacent residential properties over and beyond what has previously been approved on the application site.

#### **Recommendation**

Permit

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

Reason: To ensure a satisfactory appearance of the development.

**(02) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced, unless otherwise agreed in writing with the local planning authority. Such works shall be erected following completion of the building(s) or the completion of the development, whichever is the sooner.**

Reason: To ensure a satisfactory appearance of the development.

**(03) Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

**(04) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**(05) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**(06) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted under planning application reference VAR/2018/14.**

- Site Plan Proposed – 1807\_2011 Rev F (Received with planning application VAR/2018/14)
- House Type – 3 Bed Plans and Elevations – A1807 2100 Rev B
- (Received with planning application VAR/2018/14)
- House Type – 4 Bed Plans and Elevations – A1807 2101 Rev A
- (Received with planning application VAR/2018/14)
- Location Plan – AL(10)00 (Received with planning application 33C102G)
- Stormcell Storage Installation
- (Received with planning application 33C102G)
- Drainage Plan – A2/002b (Received with planning application 33C102G)
- Drainage Plan – A2/003
- (Received with planning application 33C102G)

Reason: For the avoidance of doubt.

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: PCYFF2, PCYFF3, TAI6

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.