

Application Reference: VAR/2019/5

Applicant: Mr A Chilton

**Description:** Cais dan Adran 73A i amrywio amodau (09), (10) a (11) o ganiatâd cynllunio 30C246K/VAR (cais dan Adran 73 i amrywio amodau er mwyn symud lleoliad un annedd) fel y gellir cyflwyno manylion ynglŷn â draenio dŵr wyneb, cynllun rheoli traffig a manylion ar gyfer cynnal a chadw'r system ddraenio yn dilyn cychwyn y datblygiad ar dir ger / Application under Section 73A for the variation of conditions (09), (10) and (11) of planning permission 30C246K/VAR (application under Section 73 for the variation of conditions so as to move the location of one dwelling) so as to allow for the submission of details regarding , surface water drainage, a traffic management scheme and drainage system maintenance details following the commencement of the development on land adjacent to

**Site Address:** Tyn Pwll, Benllech



Report of Head of Regulation and Economic Development Service (Joanne Roberts)

Recommendation: Caniatáu / Permitted

Reason for Reporting to Committee

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

## Proposal and Site

The application site is located in the Cluster of Tynyngongl near Benllech.

## Key Issues

The key issue in this case is the whether adequate drainage and traffic management arrangements are in place.

A fallback position (extant consent) exists, however the development has commenced without discharging conditions. This application therefore seeks to regularise the situation such that the details may be submitted and agreed post commencement, however the subsequent change in policy following the adoption of the Joint Local Development Plan is a material factor which must be taken into account.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TAI 6: Housing in Clusters  
Planning Policy Wales (Edition 10, December 2018)  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TAI 6: Housing in Clusters  
Planning Policy Wales (Edition 10, December 2018)  
Technical Advice Note 12: Design (2016)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	No Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Approve.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	The drainage plans presented appear sufficient to manage surface water run-off from the proposed development.
Dwr Cymru/Welsh Water	No objection to revised drainage arrangements.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection. The submitted CTMP is acceptable and satisfies the requirements of the condition and the details submitted is sufficient to demonstrate that no surface water will discharge onto the public highway in compliance with condition (09).

The application was afforded three means of publicity. These were by the posting of notices near the site, the serving of personal notification letters on the occupiers of the neighbouring properties together with an advert in the local press. The latest date for the receipt of representations was the 22/02/2019. At the time of writing this report no representations had been received.

### **Relevant Planning History**

30C246A - Cais amlinellol ar gyfer codi annedd ar dir ger / Outline application for the erection of a dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatau/Granted 9.2.07

30C246C/DA - Cynlluniau manwl ar gyfer codi annedd ar dir ger / Detailed plans for the erection of a dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatau/Granted 28.9.10

30C246D - Cais amlinellol gyda rhai materion wedi ei gadw yn ol ar gyfer codi 2 annedd ar dir ger / Outline application with some matters reserved for the erection of 2 dwellings on land adj Ty'n Pwll, Tynyngogl. Caniatau/Granted 16.11.12

30C246E - Cais amlinellol gyda rhai materion wedi ei gadw yn ol ar gyfer codi 1 annedd ar dir ger / Outline application with some matters reserved for the erection of 1 dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatau/Granted 15.5.13

30C246F/VAR - Amrywio amod (02) o ganiatad cynllunio rhif 30C246E er mwyn caniatáu blwyddyn arall i gyflwyno cais materion a gadwyd yn ôl yn/Variation of condition (02) of planning application reference 30C246E so as to allow a further 1 year to submit a reserved matters application at Ty'n Pwll, Tynyngogl. Caniatau/Granted 10.11.15

30C246G/VAR - Amrywio amod (02) o ganiatad cynllunio rhif 30C246D er mwyn caniatáu blwyddyn arall i gyflwyno cais materion a gadwyd yn ôl yn/Variation of condition (02) of planning application reference 30C246D to allow a further 1 year to submit a reserved matters application at Ty'n Pwll, Tynyngogl. Caniatau/Granted 10.11.15

30C246H - Cais llawn i godi tri annedd sydd yn cynnwys balconi Juliet, codi modurdy ynghyd ag addasu y mynedfa presennol ar dir ger / Full application for the erection of three dwellings which include a Juliet balcony, erection of a garage together with alteration - Tyn Pwll, Tynyngogl Caniatau/Granted 3.11.16

30C246J/SCR - Barn sgrinio ar gyfer codi tri annedd sydd yn cynnwys balconi Juliet, codi modurdy ynghyd ag addasu mynedfa presennol ar dir ger / Screening opinion for the erection of three dwellings which include a Juliet balcony, erection of a garage together with the alterations to the existing access on land adjacent to Tyn Pwll, Tynyngogl AEA ddim ei angen/EIA not required 8.7.16

30C246K/VAR - Cais o dan Adran 73 i ddiwygio amod (12) o ganiatâd cynllunio rhif 30C246H (codi tri annedd) er mwyn symud lleoliad un annedd (P1) ar dir gyferbyn a / Application under Section 73 for the variation of condition (12) of planning permission reference 30C246H (erection of three dwellings) so as to move the location of one dwelling (P1) on land opposite Tyn Pwll, Benllech. Caniatau/Granted 13.3.18

### **Main Planning Considerations**

The principle of the development in this location has already been established under planning permission reference 30C246H and subsequently varied under planning permission reference 30C246K/VAR and which remain extant. Furthermore the development has commenced and is by this time at an advanced stage.

However, since the adoption of the Joint Local Development Plan (JLDP), Tynyngogl is now identified as a Cluster where any new dwelling must be for affordable local need on an infill site. The application is therefore contrary to policy TAI 6 of the JLDP; however a fallback position exists since the development benefits from an extant planning permission for the erection of 3 dwellings and which is at an advanced stage of construction.

Condition (02)....

Condition (09) of planning permission 30C246K/VAR states: *'No surface water from within the curtilage of the site to discharge onto the county highway. No development shall commence 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 to the written satisfaction of the Local Planning Authority.'*

Condition (10) of planning permission 30C246K/VAR states: *'No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme including:*

- 1. the parking of vehicles for site operatives and visitors*
- 2. Loading and unloading of plant and materials*
- 3. Storage of plant and materials used in constructing the development*
- 4. Wheel washing facilities (if appropriate)*
- 5. Hours and days of operation and the management and operation of construction delivery vehicles.*

*The works shall be carried out strictly in accordance with the approved details.*

Condition (11) of the permission states: *'Full details of a management plan to secure the future maintenance of the drainage system for the site hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwellinghouses. The development shall thereafter proceed in accordance with the approved details.*

The current application is seeking to vary the above conditions so as to enable the details to be submitted and approved following the commencement of works. The details required by the above conditions has been provided and assessed as part of the application.

The submitted details are acceptable and satisfy the requirements of the conditions retrospectively.

Approval of an application under Section 73A effectively involves the grant of a new permission for the development and notwithstanding that due to the subsequent change in policy since the original permission was granted such that the development is now considered to be a departure from adopted policies, a fallback position nevertheless exists and the fundamental issues in this case relate to drainage and traffic management matters.

## **Conclusion**

Notwithstanding that the commencement of works without first discharging the above conditions constitutes a breach of the conditions and that it is open to the Local Planning Authority to take formal enforcement action by way of the issuing of a Breach of Condition Notice, approval of the current application will serve to achieve the same result.

The details required by the conditions have been submitted as part of the application and following consultation with the relevant department and agencies, have been found to be acceptable and satisfy the requirements of the original conditions and satisfactorily resolve the situation and is therefore considered 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.

## **Recommendation**

**(01) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

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) Natural slates of uniform colour shall be used as the roofing material of the proposed dwellings.**

Reason: To ensure that the development is in the interests of amenity.

**(03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D, E and F of Part 1 of Schedule 2 are hereby excluded.**

Reason: In the interests of residential and visual amenity.

**(04) 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(05) 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(06) 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(07) 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 enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(08) The development shall be carried out strictly in accordance with the submitted Construction Traffic Management Plan (April 2018).**

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

**(09) The drainage systems hereby approved shall be managed and maintained in accordance with the submitted Maintenance and Management Plan (Datrys, May 2019) for the lifetime of the development.**

Reason: In order to ensure that the development is adequately drained.

**(10) 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.**

- 16116/S104 Rev. C: Proposed Drainage Layout Section 104
- Traffic Management Plan, April 2018
- Maintenance and Management Plan, Datrys May 2019

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

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: PCYFF1, PCYFF2, PCYFF3, TAI 6.

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: VAR/2019/30**

**Applicant: Mr & Mrs Turnbull**

**Description:** Cais o dan Adran 73A i ddiwygio amod (04)(Cynlluniau a gymeradwywyd) o ganiatâd cynllunio rhif 30C755B/DEL (Cais i dynnu amodau (09), (10) a (11)(Cod am Cartrefi Cynaliadwy) ac i ddiwygio amod (08)(deunyddiau) o ganiatad cynllunio rhif 30C755 (Cais amlinellol i codi annedd) er mwyn ail-leoli'r annedd, diwygio'r dylunaid ac ychwanegu ystafell haul yn / Application under Section 73A for the variation of condition (04)(Approved Plans) of planning permission reference 30C755B/DEL (Application for the removal of conditions (09), (10) and (11)(Code for sustainable homes) and variation of condition (08)(materials) of planning permission 30C755 (Outline application for the erection of a dwelling)) so as to re-position the dwelling, amend the design and add a sun room at

**Site Address: Min y Ffrwd, Minffrwd, Brynteg**



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

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

## Proposal and Site

The application site is located on the outskirts of the Cluster of Brynteg along the road leading to Maenaddwyn and Llanerchymedd.

The application is submitted to vary conditions of previous permissions so as to allow for the re-positioning of the dwelling, amendments to the design and the addition of a sun room.

## Key Issues

The key issue is whether or not the proposed amendments are acceptable.

A fallback position exists (extant consent) however, the subsequent change in policy following the adoption of the Joint Local Development Plan (JLDP) is a material factor which must be taken into account.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 6: Water Conservation

Policy PCYFF 5: Carbon Management

Strategic Policy PS 1: Welsh Language and Culture

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 4: Sustainable Transport, Development and Accessibility

Strategic Policy PS 2: Infrastructure and Developer Contributions

Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

Policy TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Policy ISA 1: Infrastructure Provision

Policy TAI 6: Housing in Clusters

Planning Policy Wales (Edition 10, December 2018)

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

## Response to Consultation and Publicity

Consultee	Response
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observations.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments.
Swyddog Llwybrau / Footpaths Officer	No comments.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No Response
Cynghorydd Vaughan Hughes	No Response



Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	No Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Approve.
Dwr Cymru Welsh Water	No objection - comments.

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 in the local press. The latest date for receipt of representations as 10/06/2019.

At the time of writing the report, no representations had been received at the Department following the publicity period.

### Relevant Planning History

30C755 – Outline application with all matters reserved for the erection of a dwelling on land at Min Y Ffrwd, Brynteg – Granted 14.10.13

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, Minffwrdd, Brynteg Granted 23.11.16

30C755B/DEL - 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 Granted 3.5.18

### Main Planning Considerations

The principle of a dwelling has already been established in this location under planning permissions 30C775, 30C775A and 30C755B/DEL. The permission has been implemented and the dwelling is at an advanced stage of construction.

However, since the adoption of the Joint Local Development Plan, Brynteg is now identified as a Cluster under policy TAI 6 of the JLDP where any new dwelling must be for affordable local need on an infill site.

The application is made under Section 73A and relates to an approved open market dwelling house and is therefore contrary to development plan policies.

However, as the application has extant consent, the following must be considered:

- Is there a likelihood that the existing planning permission can be implemented.
- Are the amendments to the permission an improvement to that previously approved.

The permission has been implemented with the dwelling at an advanced stage of construction, it is therefore a question of whether the proposed amendments represent an improvement to the scheme previously approved.

The proposed amendments include:

- The re-positioning of the dwelling 6m to the North East
- Amendments to doors and windows (including dormer windows and roof lights).
- The addition of a sun room to the South West elevation (facing highway).

The siting of the original dwelling was set forward of the adjacent dwelling by approx. 7m, the re-siting of the dwelling 6m to the North East will result in the proposed dwelling being sited roughly in line with the

adjacent dwelling and is in the opinion of the Local Planning Authority an improved layout to that which was previously granted.

The proposal also involves amendments to doors and windows and the addition of a sun room to the South West elevation. The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

### **Conclusion**

The application is contrary to Policy TAI 6 of the JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which has been implemented with the dwelling now being at an advanced stage of construction.

The proposed re-siting, amendment to doors and windows and addition of a sun room is considered to be acceptable and an overall improvement to the scheme previously approved and it is not considered that the development will have an unacceptable impact upon the character and appearance of the area or the amenities of neighbouring properties.

### **Recommendation**

**(01) The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference A.02 Revision D 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.

**(02) The turning area shall be completed in full accordance with the details as shown on the submitted plan drawing reference A.02 Revision D before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

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

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

Reason: To ensure that the development is in the interests of amenity.

**(04) 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:**

- **A.01 Revision D: Proposed Plans and Elevations (Plot 1)**
- **A.02 Revision D: Site Layout - PLOT 1**

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

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: PCYFF1, PCYFF2, PCYFF3, PCYFF4, PCYFF5, PCYFF6, PS1, PS2, PS4, PS5, PS6, TRA2, TRA4, ISA1, 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.