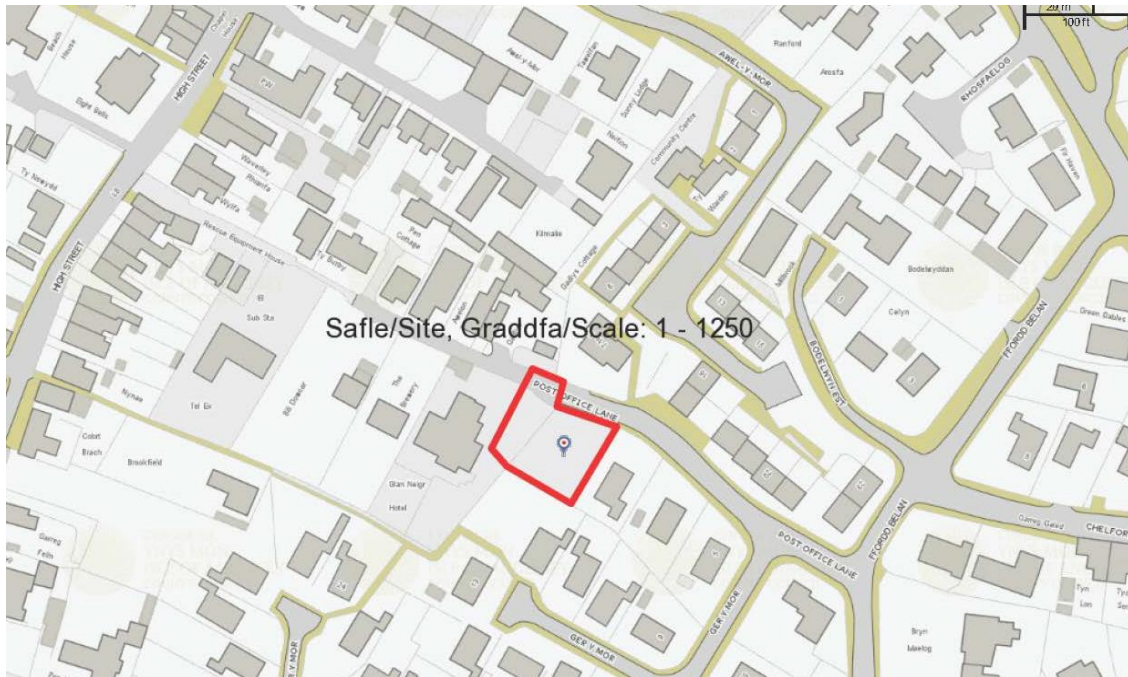


**Application Reference: VAR/2019/34**

**Applicant: Mr Alan Kelly**

**Description:** Cais dan Adran 73 i amrywio amodau (13) (mynediad) a (15) (cyfleuster parcio ceir) o ganiatâd cynllunio amlinellol 28C511 (cais amlinellol ar gyfer dymchwel yr annedd bresennol ynghyd â chodi 4 o fflatiau) ac amodau (02) (tirlunio), (03) (mynediad), (07) (cyfleuster parcio ceir) a (08) (cynlluniau a gymeradwywyd) o'r materion cysylltiedig a gadwyd yn ôl ar gais 28C511A/DA (cais mewn perthynas â'r materion a gadwyd yn ôl ar gyfer codi 4 fflat) er mwyn diwygio'r cynlluniau a gymeradwywyd fel y gellir altro'r fynedfa i'r safle, parcio a thirlunio yn / Application under Section 73 for the variation of conditions (13) (access) and (15) (car parking) of the outline planning permission 28C511 (outline application for demolition of the existing dwelling together with the erection of 4 flats) and conditions (02) (landscaping), (03) (access), (07) (car parking) and (08) (approved plans) from the associated reserved matters 28C511A/DA (application for reserved matters for the erection of 4 flats) so as to amend the approved plans enabling alterations to the site access, parking and landscaping at

**Site Address: 8 Ger Y Mor, Rhosneigr**



**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

This is an application under Section 73 for the variation of conditions (13) (access) and (15) (car parking) of the outline planning permission 28C511 (outline application for demolition of the existing dwelling together with the erection of 4 flats) and conditions (02) (landscaping), (03) (access), (07) (car parking) and (08) (approved plans) from the associated reserved matters 28C511A/DA (application for reserved matters for the erection of 4 flats) so as to amend the approved plans enabling alterations to the site access, parking and landscaping at 8 Ger y Mor, Rhosneigr.

## Key Issues

The key issue is whether the proposal is an improvement to that originally approved under application reference 28C511 and 28C511A/DA.

## Policies

### Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI 5 – Local Market Housing

TAI 8 – Appropriate Housing Mix

TAI 15 – Affordable Housing Threshold + Distribution

TRA2 – Parking Standards

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfaelog Community Council	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Standard Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Dwr Cymru/Welsh Water	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No response
Iechyd yr Amgylchedd / Environmental Health	No observations
Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding	No response
Adain Dechnegol (Draenio) / Technical Section (Drainage)	Conditional Approval
Swyddog Llwybrau / Footpaths Officer	No objection
Pennaeth Gwasanaethau Tai / Head of Housing Services	No response

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 23/7/19. At the time of writing the report no letters had been received.

### **Relevant Planning History**

28C511 - Outline application with some matters reserved for demolition of the existing dwelling together with the erection - 8 Ger y Mor, Rhosneigr.

28C511A/DA - Reserved Matters - Cais am faterion a gadwyd yn ôl ar gyfer dymchwel annedd presennol ynghyd a chodi 4 fflat (1 ystafell) yn / Application for reserved matters for demolition of the existing dwelling together with the erection of 4 flats (1 bedroom) at - 8 Ger Y Môr/Whispering Sands, Rhosneigr

### **Main Planning Considerations**

The principle of the proposed scheme has already been established. An outline planning application was approved on the 16/11/15 and a reserved matters application was approved on the 14/2/19.

### **Joint Local Development Plan**

Since the adoption of the Joint Local Development Plan, Rhosneigr is identified as a Local Service Centre under the provisions of Policy TAI 5. The policy does not support the provision of open market housing. 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?

A reserved matters application reference 28C511A/DA was approved on the 14/2/19 and the likelihood of it being implemented is very likely

### **Amendments**

The proposed amendments are as follows:

- The access approved under the previous planning application was via the GlanNeigr public house and parking was located to the North West of the site. The proposal involves moving the access in a central location of the application site.
- A total 7 no car parking spaces were sited to the North West of the site under the approved permission. The application has now been amended and 4 no car parking spaces are located to the North West of the site and 4 no car parking spaces are located to the North East of the site.
- The landscaping scheme has been amended to accommodate the amended access and car parking facility.
- A 2m high boundary fence has been placed on the East and South boundaries.

Consideration has been given to the amendments, and the possible impact upon the amenities of adjacent residential properties. The neighbouring property known as '7 Ger y Mor' does have windows in the side elevation overlooking the site; however, the windows entail a door and 2 small windows (1 being obscure glass). It is therefore, not considered that these are main windows. Although the proposal entails car parking facilities close to the neighbouring property '7 Ger y Mor' it is considered that the 2m high fence on the East boundary will serve to deflect car headlights, would reduce noise levels generated on

the site and alleviate any overlooking. The fence will also alleviate any overlooking to the property at the rear '12 Ger y Mor'.

The Highways Authority is satisfied with the new access and parking arrangements.

### **Adjacent residential properties**

Neighbouring properties have been notified of the development. The expiry date to receive representations being 23/7/19. At the time of writing the report no letters has been received. It is not considered that the proposal will have a negative impact upon adjoining residential properties.

### **Conclusion**

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for the erection of 4 flats.

It is not considered that the proposed changes deteriorate that of the previous approved scheme.

### **Recommendation**

**(01) The development to which this permission relates shall be begun not later than 14/02/2021.**

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

**(02) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:**

- **Proposed site plan – 2600:18:3D**
- **Proposed Elevations and Floorplans – 2600:18:6A**
- **Wall Mounted Ventilation Unit details – Received 31/1/19**
- **Location Plan – 2600:18:1**
- **Military Jet Noise Assessment – Martec Environmental Consultants Ltd dated 1/11/18**

**under planning application reference 28C511A/DA and VAR/2019/34.**

Reason: For the avoidance of doubt.

**(03) No development shall commence until a management and maintenance plan for the communal surface water drainage system, including proposed areas of permeable paving which should demonstrate how the operation of the scheme is to be secured for the lifetime of the development which shall include details of any arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.**

Reason: To ensure the development is adequately drained.

**(04) The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion / occupation of the development. The completed scheme shall be maintained for the lifetime of the permission.**

Reason: In the interests of the visual amenity of the locality

**(05) 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.

**(06) 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 provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**(07) 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/hedge/fence or any new boundary.**

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**(08) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before any work is commenced on the remainder of the development 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.

**(09) 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.

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

Reason: To ensure a satisfactory appearance of the development

**(11) The provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any Order re-voking or re-enacting that Order) are hereby excluded.**

Reason: In the interests of residential and visual amenity

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

Reason: To protect the integrity of the public sewerage system

**(13) No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system.**

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

**(14) No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

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

**(15) No development shall take place until a scheme for the creation of a boundary screen between between the plot and 7 Ger y Mor and 12 Ger y Mor, which shall include an acoustic fence, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the erection of the boundary screen and once erected, in accordance with the approved details, the screen shall be retained, in perpetuity, with any replacement required due to general wear or accidental or other damage being of the same specification as that originally approved.**

Reasons: In the interest of amenity and privacy.

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, TAI5, TAI8, TAI15 and TRA2

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/2019/32**

**Applicant: Mr J Hewitt**

**Description:** Cais dan Adran 73A i amrywio amod (02) (manylion draenio) o ganiatâd cynllunio cyfeirnod 17C126F/DA (cais mewn perthynas â'r materion a gadwyd yn ôl ar gyfer codi annedd) er mwyn galluogi cyflwyno'r manylion yn dilyn cychwyn gwaith yn / Application under Section 73A for the variation of condition (02) (drainage details) of planning permission reference 17C126F/DA (application for reserved matters for the erection of a dwelling) so as to allow for the submission of drainage details following the commencement of works at

**Site Address: Yr Erw, Llansadwrn**



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

**Recommendation: Permit**

**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 Llansadwrn.

## Key Issues

The key issue in this case is whether adequate details have been provided to demonstrate how surface water run-off from the vehicular access and parking area is to be managed and contained within the curtilage of the site.

A fallback position exists (safeguarded consent), 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 4: Design and Landscaping

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 Carwyn Jones	No response at time of writing report.
Cynghorydd Lewis Davies	No response at the time of writing the report.
Cynghorydd Alun Roberts	No response at the time of writing the report.
Cyngor Cymuned Cwm Cadnant Community Council	No response at the time of writing the report.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	The details submitted appear satisfactory to manage surface water run-off from the proposed development.

### Response to Publicity

The application was afforded three means of publicity; these were the posting of a notice near the site, the serving of personal notification letters on the owners of neighbouring properties and an advert in the local press. The latest date for receipt of representations was 10/06/2019.

At the time of writing the report 1 representations had been received, with the main points raised summarised below:

- the applicant gives the impression that the soakaways are on good quality land, however part of the site is on rock. There is no way of making a detailed assessment as there is a large storage container in the location of the soakaway.
- The water from the gutters, sinks, bath and shower will all go to the proposed soakaways. These are within 5 yards of a watercourse that runs along side the highway. In the event of a flood, the watercourse would certainly be polluted.



- Sewerage is currently discharged to the land, are there any rules which require connection to mains sewerage if it is within a certain distance of the site.

In response to the above points:

- The condition which this application is seeking to vary and discharge is in relation to the management of surface water run-off from the vehicular access and parking area only and does not relate to drainage from the proposed dwelling which have been considered an approved as part of the earlier outline and reserved matters applications. It is also noted that the storage container referred to is not located within the area of the vehicular access and parking area.
- It is intended to connect to the mains in relation to foul sewage disposal.

### Relevant Planning History

17C126 - Datblygu tir ar gyfer codi tai ar rhan o / Residential development of land part of O.S 4668 near Caerau, Llansadwrn. Gwrthod / Refused 11.5.89

17C126A - Cais amlinellol ar gyfer codi annedd ynghyd a chreu mynedfa newydd ar dir yn / Outline application for the erection of a dwelling together with the construction of a new vehicular access on land at Caerau, Llansadwrn Gwrthod / Refused 2.7.03

17C126B Creu mynedfa newydd ar gyfer cerbydau yn/Construction of a new vehicular access at Caerau, Llansadwrn Caniatau/Granted 6.11.03

17C126C Cais amlinellol ar gyfer codi annedd yn/Outline application for the erection of a dwelling at Caerau, Llansadwrn Gwrthod / Refused 7.10.04

17C126D Cais amlinellol ar gyfer codi annedd ar dir ger/Outline application for the erection of a dwelling on land adjoining Caerau, Llansadwrn Caniatau / Granted 9.3.12

17C126E/DA Cais am faterion a gadwyd yn ôl ar gyfer mynedfa a gosodiad ar dir yn / Application for reserved matters for access and layout on land at Caerau, Llansadwrn Caniatau/Granted 27.3.14

17C126F/DA ais am faterion a gadwyd yn ôl ar gyfer codi annedd ar dir ger / Application for reserved matters for the erection of a dwelling on land adj Caerau, Llansadwrn Caniatau/Granted 2.7.15

17C126G/LUC - Cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer defnydd neu ddatblygiad arfaethedig yn cynnwys gwaith a wnaed ar y fynedfa er mwyn gweithredu caniatâd 17C126F/DA ar dir ger / Application for a Lawful Development Certificate for proposed use or development comprising of works to access undertaken to implement planning permission 17C126F/DA on land adjacent to Caerau, Llansadwrn Cyfreithiol / Lawful 15.10.18

### Main Planning Considerations

The principle of the development in this location has already been established under outline planning permission ref 17C126D and the subsequent approval of the reserved matters under application refs 17C126E/DA and 17C126F/DA. Furthermore, a certificate of lawfulness was issued on the 15th October 2018 confirming that the development had been lawfully implemented by virtue of works to the access such that the planning permission for the erection of a dwelling is safeguarded in perpetuity.

The above works were however undertaken without first having discharged condition (02) of planning application ref 17C126F/DA which required the submission of details to demonstrate how surface water run-off from the vehicular access and parking area is to be managed and contained within the curtilage of the site prior to the commencement of the development.

This application therefore seeks to regularise the situation by way of an application under Section 73A so as to vary the requirements of the condition to allow for the submission of the required details following the commencement of works, in addition the details required have been provided as part of the application such that the condition may be both varied and discharged simultaneously.

However, since the adoption of the Joint Local Development Plan (JLDP), Llansadwrn 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 the provisions of policy TAI 6 of the JLDP; however a fallback position exists since the site benefits from a safeguarded consent for the erection of a dwelling.

As noted above the details required by the condition have been submitted as part of the application and following consultation with the Drainage Section, it has been confirmed that the submitted details are acceptable and satisfy the requirements of the condition retrospectively. The submitted details demonstrate that surface water run-off from the parking area will be discharged into the proposed soakaway, similarly surface water run-off from the tarmaced section of the access will be directed to an aco-channel and carried to the soakaway.

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 issue in this case related to drainage matters.

The Local Planning Authority is aware of local concern regarding the fact that little progress has been made to construct the approved dwelling and that the applicants are currently living in a static caravans on the site and have done so since November 2016. However, permitted development rights allow for the temporary siting and occupation of caravans during the course of development.

As a result of the failure to discharge conditions of the original consents, the applicants have thus far been unable to make progress on the construction of the dwelling and it is anticipated that upon determination of the current application that works may proceed to construct the dwelling. Furthermore the applicants have been advised that the permitted development rights which allow them to live in caravans on the site, apply only in connection with the development of the land and that they cannot rely indefinitely on the permitted development rights should the development not proceed in a timely manner.

## **Conclusion**

Notwithstanding that the commencement of works without first discharging the above mentioned condition constitutes a breach of the condition 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 and enable the development to proceed.

The details required by the condition have been submitted as part of the application and following consultation with the Drainage Section, have found to be acceptable and satisfy the requirements of the condition.

The current situation with regard to the site is patently undesirable and the current application will serve to satisfactorily resolve the situation such that the works to construct the approved dwelling can now be undertaken.

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) The vehicle driveways shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining footway.**

Reason: In order to minimise danger, obstruction

**(02) 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/hedge/fence or any new boundary.**

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

**(03) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before the dwelling is occupied.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(04) The turning area shall be completed in full accordance with the details as shown on the submitted plan drawing reference AL0006 before the dwelling is occupied 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.

**(05) The access shall be laid out and constructed strictly in accordance with the submitted plan, Drawing No. AL0006 before the dwelling is occupied 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.

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

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

**(07) 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.

**(08) The surface water drainage systems shall be completed in full accordance with the submitted details, drawing reference AL0006 before the dwelling is occupied.**

Reason: To ensure the development is adequately drained and to prevent the increased risk of flooding on and off the site.

**(09) 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:**

- Location Plan approved under planning permission reference 17C126F/DA.
- Proposed Site Plan: AL0003 dated March 2015 approved under planning permission reference 17C126F/DA.
- Proposed Floor Plans: AL0004 dated March 2015 approved under planning permission reference 17C126F/DA.

- **Proposed Elevations: AL0005 dated March 2015 approved under planning permission reference 17C126F/DA.**
- **Proposed Section A-A: AL0005 dated March 2015 approved under planning permission reference 17C126F/DA.**
- **Proposed Site Drainage Plan: AL0006 dated 25 October 2016.**

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 and TAI 6.

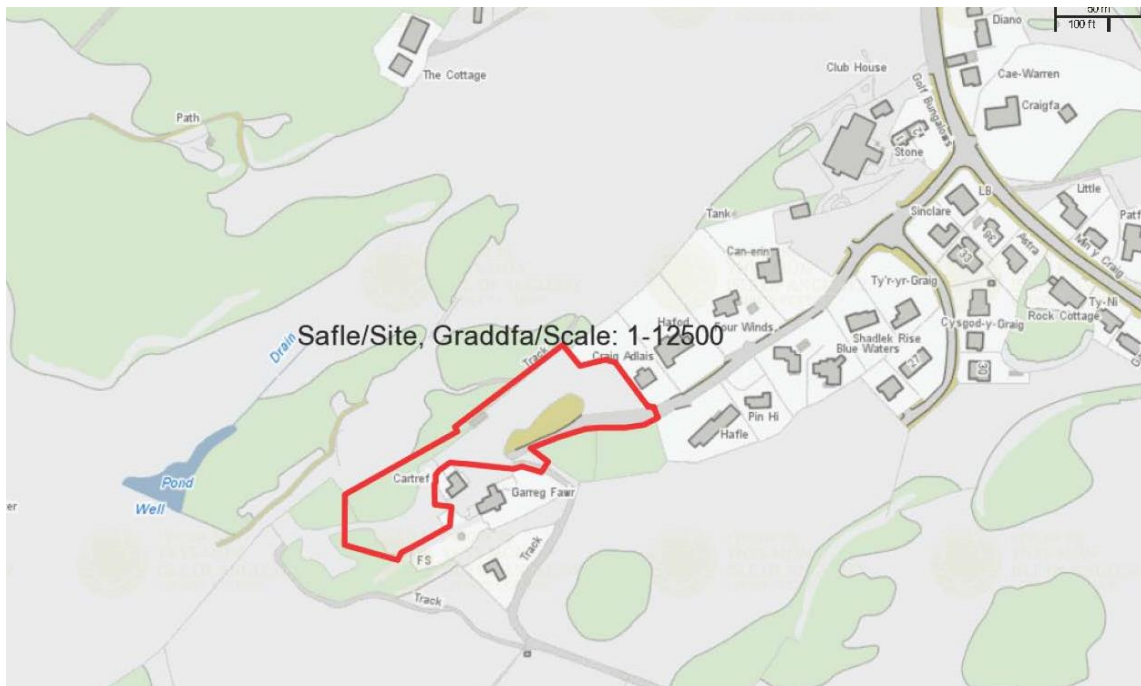
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference: VAR/2019/42**

**Applicant:** Mr. Mark Wheldon Jones

**Description:** Cais o dan Adran 73A i ddiwygio amod (02) o ganiatâd cynllunio rhif 46C410F (Codi 13 o dai) er mwyn galluogi cyflwyno manylion terfynnau ar ôl i'r gwaith gychwyn ynghyd a dileu amod (07) (ecoleg) yn / Application under Section 73A for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of demarcation to be submitted after work has begun together with the deletion of condition (07) (ecology) at

**Site Address:** Garreg Fawr Farm, Bae Trearddur Bay



**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 variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of fencing, walling and other means of enclosure can be submitted after work has commenced together with deletion of condition (07) (ecology) at Garreg Fawr Farm, Trearddur Bay.

## 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

Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy TAI 5: Local Market Housing

### Response to Consultation and Publicity

Consultee	Response
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response
Cynghorydd Dafydd Rhys Thomas	No response
Cynghorydd John Arwel Roberts	No response
Cynghorydd Trefor Lloyd Hughes	No response
Cyngor Cymuned Trearddur Community Council	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Head of Service (Housing)	No response
Gwasanaeth Addysg / Education Service	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	Comments

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 is the 10/7/19. At the time of writing the report no letters had been received.

### Relevant Planning History

46C410F - Full application for the erection of 13 dwellings together with the construction of a new vehicular access at Garreg Fawr Farm, Trearddur Bay – 12/5/16 – Granted

SCR/2019/24 - Screening opinion for the variation of condition (02) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow details of demarcation to be submitted after work has begun at Garreg Fawr Farm, Trearddur Bay – 17/6/19 – EIA not required

SCR/2019/25 - Screening opinion for the variation of condition (07) of planning permission reference 46C410F (Erection of 13 dwellings) so as to allow ecology details to be submitted after work has begun at Garreg Fawr Farm, Trearddur Bay – 19/6/19 – EIA not required

### **Main Planning Considerations**

The principle of developing the site for residential purposes has already been established. A planning application was approved under 46C410F for the erection of 13 dwellings. Works have commenced on site; therefore, the planning application has been implemented and permission safeguarded.

### **Joint Local Development Plan**

Since the adoption of the Joint Local Development Plan, Trearddur Bay is identified as a Coastal and Rural Village under the provision of Policy TAI 5. The policy does not support the provision of open market housing. 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?

A planning application for 13 dwellings has been approved on the site under planning application 46C410F and works have commenced on site. The planning permission has therefore been safeguarded.

### **Variation of condition (02) (Means of Enclosure)**

Condition (02) of the previous planning permission 46C410F required the applicant to provide details of fencing, walling or other means of enclosure prior to the commencement of work on the site. However, work has already commenced on the site and the applicant wishes to vary the condition so as to provide the information after the commencement of works. Details of fencing and other means of enclosure have been provided with the planning application and it is considered that the submitted information is acceptable.

**Boundary A-E, F-G, G-H, H-I** - Existing concrete post and wire fence overhauled, with all defective sections removed and replaced with new fencing to bring the fence to an acceptable standard. Rock face trimmed to a minimum of 10 degree angle toe of face planted with Hawthorn, Blackthorn and Holly.

**Boundary E - F** - New earth bank shaped and top planted with Hawthorn, Blackthorn and Holly.

**Boundary A-B (rear boundaries between residential properties)** - 1.6m high timber post fence.

**Boundary B - C (front boundaries between residential properties)** - Double bevelled concrete edging kerb.

**Boundary C-D** - The stone wall overhauled and all defects repaired.

### **Deletion of condition (07) (Ecology)**

Condition (07) of the previous planning permission 46C410F stated that clearing the site and demolition work would need to be undertaken outside of nesting season and any work carried out during nesting season would need to be accompanied by an updated ecology report.

Site clearance and demolition works were undertaken outside of nesting season; however, a short stretch of shrub and long grass needed an updated survey to check for nesting birds as the works to remove the shrub and long grass would take place within bird nesting season. The updated report confirmed that no nesting birds were found and the applicant was advised to proceed with the work.

It is therefore considered acceptable to delete condition (07) as its requirements have been met and to retain it after demolition and site clearance works have been undertaken would serve no continuing purpose. To date the application site has been cleared.

## **Adjacent residential properties**

Neighbouring properties have been notified of the development, the expiry date to receive representations being 10/07/19. At the time of writing the report no letters had been received.

It is not considered that the submitted details have a negative impact upon the amenities of adjacent residential properties.

## **Conclusion**

The application is contrary to Policy TAI 5 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for 13 dwellings.

It is considered that the previous application 46C410F has been implemented and the details of means of enclosure submitted with this planning application are acceptable. It is also considered that removing condition (07) is acceptable as its requirements have been met and its retention would serve no further useful purpose.

## **Permit subject to a Deed of Variation in relation to affordable housing**

### **Recommendation**

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

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

#### **(02) No surface water shall be allowed to connect either directly or indirectly to 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 detriment to the environment

#### **(03) 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.

#### **(04) The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus as all times. No part of the building will be permitted within 3 meters of the line of the public sewer.**

Reason: To protect the integrity of the public sewer and avoid damage thereto.

#### **(05) Mitigation for the loss of swallow nests shall be incorporated into the garage on plot 2 within 1 month of its erection, unless otherwise agreed in writing with the local planning authority, and thereafter retained and maintained in perpetuity, in accordance with the Green Man Ecology Reports (28<sup>th</sup> May, 2012, update report (bird and bat survey) 26<sup>th</sup> June 2012 and letter dated 10<sup>th</sup> August 2012 submitted under application reference 46C410F.**

Reason: To safeguard any protected species which may be present on the site.

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 and TAI5



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.