

**Application Reference: VAR/2019/9**

**Applicant:** Mrs Wendy Vidler

**Description:** Cais dan Adran 73 i amrywio amod (01) (Cynlluniau a Gymeradwywyd) o ganiatâd cynllunio rhif 18C71E (Newid yr adeilad allanol i annedd ynghyd a gosod system trin carthffosiaeth) fel y'i diwygiwyd dan gais cyfeirnod MAO/2018/2 fel y gellir gwneud newidiadau i ddyluniad yr addasiad o'r adeilad allanol ynghyd a rhyddhau amod (03) (Manylion Ffiniau) yn / Application under Section 73 for the variation of condition (01) (Approved Plans) from planning permission reference 18C71E (Conversion of outbuilding into a dwelling together with the installation of a package treatment plant) as amended by application reference MAO/2018/2 so as to allow for amendments to the design of the outbuilding conversion together with the discharging of condition (03) (Boundary treatment) of planning permission reference 18C71E at

**Site Address:** Neuadd, Cemaes



**Report of Head of Regulation and Economic Development Service (Iwan 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 application is made under Section 73 for the variation of condition (01) (Approved Plans) of planning permission reference 18C71E (Conversion of outbuilding into a dwelling together with the installation of a

package treatment plant) as amended by application reference MAO/2018/2 so as to allow for amendments to the design of the outbuilding conversion together with the discharging of condition (03) (Boundary treatment) of planning permission reference 18C71E.

Condition 01 of minor amendment MAO/2018/2 relates to the list of approved drawings to which the development is required to conform. Condition 03 of planning permission 18C71E requires that details of boundary treatments are submitted and approved in writing by the Local Planning Authority.

## Key Issues

The application's 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 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use

Policy AMG 1: Area of Outstanding Natural Beauty Management Plans

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

Policy AMG 5: Local Biodiversity Conservation

## Response to Consultation and Publicity

| Consultee  | Response  |
|--|---|
| Cyfoeth Naturiol Cymru / Natural Resources Wales                             | No Objection  |
| Dwr Cymru Welsh Water  | No Response   |
| Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor | Conditional Approval  |
| Priffyrdd a Trafnidiaeth / Highways and Transportation                       | No Response   |
| Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit                  | No Response   |
| Draenio Gwynedd / Gwynedd Drainage   | No Observations   |
| Ymgynghorydd Tirwedd / Landscape Advisor                                     | Further details of the roof material was requested. No objection were raised following full details being received.                         |
| Ymgynghorydd Treftadaeth / Heritage Advisor                                  | No objection raised. Given the building's remote location, existing modest scale and design, the proposed details is considered acceptable. |
| Cynghorydd John Griffith   | No Response   |
| Cynghorydd Kenneth P. Hughes   | No Response   |
| Cynghorydd Llinos Medi Huws  | No Response   |

|   |             |
|---|-------------|
| Cyngor Cymuned Cylch-y-Garn Community Council | No Response |
|---|-------------|

The proposal was advertised with the posting of notifications to adjacent properties. A site notices has also been displayed near the application site together with an advert in the local press. The expiration of the publicly period was the 31/07/2019. At the time of writing this report no correspondence were received as a result of the publicity process.

### **Relevant Planning History**

18C71E - Full application for the conversion of outbuilding into a dwelling together with the installation of a package treatment plant on land at Neuadd, Cemlyn – Approved 23/10/2014

MAO/2018/2 - Minor amendments to decision notice previously issued under planning permission 18C71E so as to include a condition relating to the approved plans for the proposed development at Neuadd, Cemlyn – Approved 21/01/2019

### **Main Planning Considerations**

Full planning permission has been granted for the conversion of the outbuilding into a dwelling together with alterations and extensions under reference 18C71E which was approved on the 23/10/2014. The minor amendment was approved on the 21/01/2019.

Condition (01) of MAO/2018/2 (As approved plans)

The variations being proposed to the previously approved development include variations to windows and doors, the inclusion of a small log store and changes to the design and appearance of the roof.

The proposed development entails a slight increase in the number of windows being proposed together with an introduction of minimal timber cladding. The application also entails the installation of trapezoidal roof panels in favour of natural slate.

Neighbouring properties have been notified of the proposed development. The expiry date to receive representations was the 03/07/2019. At the time of writing the report no objections were received.

It is not considered that the amended external material finishes will have an impact on neighbouring properties. The log store is measured at 2 x 1 meters which is considered acceptable in terms of its design and scale. The log store will be open fronted which is a mitigation requirement to allow swallows access for nesting.

With respect to the roof design, it is considered that the material being proposed gives the development a more industrial appearance in comparison to the previously approved traditional material. Notwithstanding this fact, the outbuilding is located in a rural location and within close proximity to various agricultural buildings. The advice of the Built Environment Section (Heritage Section) has been sought and it has been confirmed that in this particular instance given the building's remote location, existing modest scale and design, the development is considered acceptable. Details of the colour have been provided which are considered appropriate to development.

Condition (03) of 18C71E (Enclosure Details)

Details of the boundary treatment which includes a screen fence to the front boundary have been submitted as part of the application. The boundary treatment includes a close boarded fence and hedgerow which are considered acceptable by the Local Planning Authority.

Policy Context – The principle of the conversion of the outbuilding into a dwelling has been established under planning application 18C71E, approved on the 23/10/2014. Since the enclosure details submitted in an effort to discharge condition 03 are considered acceptable, no conditions will remain which require discharging prior to commencing development.

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 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 18C71E was approved on the 23/10/2014 which therefore expires on the 23/10/2019. As previously noted, in the event that the current application was approved no pre commencement conditions would remain which would allow the applicant to commence works immediately.

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

### **Conclusion**

The application is contrary to Policy TAI 7 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for the conversion of the outbuilding into a dwelling.

It is not considered that the proposed changes deteriorate that previously approved under 18C71E and MAO/2018/2. Details submitted to discharge the requirements of condition 03 are considered acceptable.

### **Recommendation**

**(01) The development shall begin not later than two years from the date of this decision.**

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

**(02) 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 2187:14:1**
- **Proposed Site Plan 2187:14:3a**
- **Proposed Plans and Elevations 2187:14:5a**

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

**(03) 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 clear of the highway for the safety and convenience of the highway user.

**(04) The development work shall take place in accordance with the Reasonable Avoidance Measures outlined within the Protected Species Survey prepared by Clwydian Ecology dated 11th May 2019 and submitted under application reference VAR/2019/9.**

Reason – to safeguard any protected species which may be present on the site

**(05) No development in the conversion of the building shall take place in the bird breeding season from 1st March to 30th September inclusive unless the site has been checked for the presence of nesting birds and the results of the survey are submitted to and approved in writing by the local planning authority prior to works commencing**

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

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.