

Application Reference: VAR/2020/7

Applicant: Mr. Alan Kelly

Description: Cais o dan Adran 73 i ddiwygio amod (02) (Cynlluniau a gymeradwyd) (03)(Cynllun rheoli a chynnal a chadw) (15)(Sgrin derfyn) o caniatâd cynllunio rhif VAR/2019/34 (Codi 4 flat) er mwyn newid y gosodiad traenio ac cyflwyno manylio y screen derfyn yn / Application under Section 73 for the variation of condition (02) (Approved plans) (03)(Management and maintenance plan) (15)(Boundary screen) of planning permission reference VAR/2019/34 (Erection of 4 flats) so as to change the drainage layout and provide details of boundary screen at

Site Address: 8 Ger y Mor, Rhosneigr



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

Recommendation: Caniatáu / 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 (02) (Approved plans), (03) Management and Maintenance Plan, (15) (Boundary Screen) of planning permission reference

VAR/2019/34 (Erection of 4 flats) so as to change the drainage layout and provide details of boundary screen 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 VAR/2019/34.

Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI 5 – Local Market Housing

PCYFF6 - Water Conservation

TAI 8 – Appropriate Housing Mix

TAI 15 – Affordable Housing Threshold + Distribution

TRA2 – Parking Standards

Response to Consultation and Publicity

Consultee	Response
Draenio Gwynedd / Gwynedd Drainage	Comments
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfaelog Community Council	No response
Dwr Cymru Welsh Water	No objection
Cyfoeth Naturiol Cymru / Natural Resources Wales	Standard Comments
Iechyd yr Amgylchedd / Environmental Health	No comments
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No 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 was the 11/3/20. 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 of 4 flats (1 bedroom) and the construction of an access at 8 Whispering Sands, Rhosneigr – Approved – 16/11/15

28C511A/DA – Application for reserved matters for demolition of the existing dwelling together with the erection of 4 flats (1 bedroom) at 8 Whispering Sands, Rhosneigr – Approved – 14/2/19

VAR/2019/34 - 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 – Approved 5/8/19

Main Planning Considerations

The principle of the proposed scheme has already been established. An outline planning application was approved on the 16/11/15 a reserved matters application was approved on the 14/2/19 and a Section 73 application was approved on the 5/8/19.

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 Section 73 application was approved under VAR/2019/34 on the 2/8/19 and the applicant has until 14/02/2021 to implement the planning application. The likelihood of it being implemented is very likely.

Amendments

The proposed amendments are as follows:

- Variation of Condition (02). The site layout has as the approved drainage layout did not correspond with the drainage scheme proposed for the application site. The drainage scheme is being amended to ensure that sustainable drainage methods are used.
- Variation of Condition (03). The previous permission required the submission and approval of a management and maintenance plan for the communal surface water drainage system, demonstrating how all aspects would be managed and maintained for the lifetime of the development. A SuDS Management + Maintenance Plan has been received to confirm that the management and maintenance will be managed by a single property owner who will have ownership of the entire scheme and will be responsible for the on-going maintenance and management of the drainage system. Condition (03) will be varied to refer to the SuDS Management and Maintenance Plan submitted with the planning application.
- Fencing detail has been provided with the planning application to meet Condition (15) of the previous permission. A boundary screen between the application site and 7 & 12 Ger y Mor was required in order to provide adequate amenity for neighbouring properties. The detail submitted with the planning application is acceptable and confirmation has been received that the fence will be erected prior to any work commencing on the building.

The drainage section has confirmed that the applicant has considered the use of a sustainable drainage system with the application site, and includes discussion regarding proposed run-off destination and rate. However until an application is made to the SAB there remains some uncertainty whether the proposed site layout would enable full compliance with the suite of national SuDS standards.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 11/3/20. 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 amended drainage layout is a deterioration over 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 – 2600:18:3E – Received with planning application VAR/2020/7**
- **Proposed Elevations and Floorplans – 2600:18:6A- Received with planning application VAR/2019/34**
- **Wall Mounted Ventilation Unit details – Received 31/1/19 with planning application VAR/2019/34**
- **Location Plan – 2600:18:1A Received with planning application VAR/2020/7**
- **Military Jet Noise Assessment – Martec Environmental Consultants Ltd dated 1/11/18**
- **Acoustic Fence Detail – 2600:18:4 Received with planning application VAR/2020/7**
- **SUDS Management + Maintenance Plan – AO/SMMP/01 – Received with planning application VAR/2020/7**

under planning application reference VAR/2019/34 and VAR/2020/7.

Reason: For the avoidance of doubt.

(03) The communal surface water drainage system for the scheme must be operated and maintained in accordance with the details set out in the SUDS Management and Maintenance Plan Reference AO/SMMP/01 dated 2nd January, 2020.

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) The boundary screen between the application site and 7 Ger y Mor and 12 Ger y Mor shall be erected prior to the erection of the building hereby approved. The boundary screen shall be erected in accordance with drawing reference 2600:18:4, 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.

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/2020/8

Applicant: Anglesey Lifetime Homes Ltd

Description: Cais o dan Adran 73 i ddiwygio amod (02) (Adroddiad Madfallod Cribog), (04) (Goleuadau allanol), (12) (Cynllun Draenio), (13) (Cynllun Rheoli Traffig) a (16) (Cynlluniau a gymeradwywyd) o ganiatâd cynllunio rhif 45C133B (codi tri annedd) er mwyn diwygio amodau drwy ddarparu'r wybodaeth y gofynnwyd amdani ynghyd â diwygio dyluniad yr annedd ar dir yn / Application under Section 73 for the variation of condition (02) (Crested Newt Statement), (04) (External Lighting), (12)(Drainage details), (13) (Traffic Management Plan) and (16) (Approved plans) of planning permission reference 45C133B (erection of three dwellings) so as to vary the conditions by providing the requested information together with amending the dwelling design on land at

Site Address: Bryn y Felin, Niwbwrch/Newborough



Report of Head of Regulation and Economic Development Service (David Pryce Jones)

Recommendation: Caniatáu / Permit

Reason for Reporting to Committee

The planning application is a departure from the development plan which the local planning authority are mined to approve.

Proposal and Site

The application relates to land on the north western periphery of the settlement which is located within the Area of Outstanding Natural Beauty. Access is from the A4080 with an access road leading to three dwellings behind the existing dwelling at Bryn Felin. To the east there are existing residential properties forming part of the Bryn Rhedyn residential estate.

The planning application is made under section 73 to vary the planning conditions listed in the description such that the information required under conditions in respect of Crested Newts, external lighting, drainage and traffic management are provided as part of this application. Amendments are also proposed to the design of the proposed dwellings as follows:

- Windows at first floor level at the rear are changed from flat roof dormer types to standard type windows constructed within the wall.
- Velux window in the roof in the front elevation changed to a standard type window.

Key Issues

- Compliance with relevant development plan policies and amenity.
- Area of Outstanding Natural Beauty "AONB"
- Amenity of adjacent properties

Policies

Joint Local Development Plan

Anglesey and Gwynedd Joint Local Development Plan (2017)

TRA 2: Parking Standards
TRA 4: Managing Transport Impacts
PCYFF 1: Development Boundaries
PCYFF 2: Development Criteria
PCYFF 3: Design and Place Shaping
PCYFF 4: Design and Landscaping
PCYFF 5: Carbon Management
PCYFF 6: Water Management
AMG 1: Area of Outstanding Natural Beauty Management Plans
AMG 5: Local Biodiversity Conservation
AMG 6: Protecting Sites of Regional or Local Significance
TAI 5: Local Market Housing

Planning Policy Wales Edition 10 2018 "PPW"

TAN 12: Design

SPG Parking Standards, 2008.

SPG Design in the Urban and Rural Built Environment, 2008 "SPG Design Guide"
Supplementary Planning Guidance Housing Mix (October 2018)

Anglesey AONB Management Plan 2015-2020 "AONB Management Plan"

Response to Consultation and Publicity

Cynghorydd Peter Rogers: No observations.

Cynghorydd Bryan Owen: No observations.

Cyngor Cymuned Rhosyr Community Council: No observations.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: No objections to the type of lights specified and considers that they will lessen the impacts on wildlife.

Ymgynghorydd Tirwedd / Landscape Advisor: There is a condition on the extant approval regulating tree work in the future. It would be more appropriate if this were supported by an Arboricultural Impact assessment (which outlines the tree works necessary for the currently approved layout focusing on an Impact Assessment Plan and Tree Protection Plan. This plans could be conditioned as part of any consent.

Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer: No observations received.

Prifffyrdd a Trafnidiaeth / Highways and Transportation: The details submitted are satisfactory and I have no objection to the conditions relating to Highways previous recommendation within the original approval being discharged.

Cyfoeth Naturiol Cymru / Natural Resources Wales: The Reasonable Avoidance Measures in respect of Great Crested Newts appear acceptable. No objections to the type and number of lights as specified on the plans.

Dwr Cymru/Welsh Water: Having assessed the revised proposed drainage layout plan (dwg ref: J/A0/SP/01 Rev D), we note foul flows are now proposed to connect into a transferred public sewer reference SH41668106. We understand surface water flows are proposed to be discharged into soakaway systems. On this basis, we have no objection to the discharge of condition 12.

Iechyd yr Amgylchedd / Environmental Health: No observations.

Ymgynghoriadau Cynllunio YGC: Provisions regarding Suds approval requirements are described.
GCAG / GAPS: No archaeological implications.

Education: No contribution requested.

Joint Planning Policy Unit: The original application 45C133B was approved on the 4th April 2017 prior to the adoption of the JLDP, it was therefore considered under the Ynys Môn Local Plan (1996) and the stopped UDP (2005). In the Ynys Môn Local Plan and the stopped UDP the site lied within the Newborough development boundary. The development boundary in this part of Newborough was amended in the JLDP which means the majority of this site now falls outside the development boundary. Under the JLDP the units on this site falling outside the development boundary would have to be considered under Policy TAI 16 Exception Sites for affordable housing. However the existing permission on the site will be a material consideration in your assessment of the current application. The weight afforded to the extant consent as material planning consideration will be a matter for the decision maker. The JLDP anticipated a growth level of 40 units for Newborough, in the period 2011 to 2019 a total of 16 units have been completed with a further 25 units in the land bank at April 2019. However in light of the extant permission on this site granting permission for this application would not lead to an increase in the number of units in the settlement.

The planning application was advertised with a press notice, site notice and adjacent properties were notified in writing. The publicity period expired on the 18.03.2020 and at the time of writing no representations have been received.

Relevant Planning History

SCR/2020/9 Screening opinion for the erection of three dwellings together with the construction of a vehicular access No EIA required 25.02.2020.

HHP/2019/94 - Full application for alterations and extensions together with the relocation of existing garage - Permit 06.96.2019.

45C133B - Full Planning Full application for the erection of three dwellings together with the construction of a vehicular access Conditionally Approved 04/04/2017.

45C133C/SCR - Screening opinion for the erection of three dwellings, the construction of a vehicular access together with the installation of a sewage No EIA required 07.12.2018.

45C133A Alterations and extensions to the dwelling along with the formation of a self-contained flat Conditionally approved 13.04.1993.

Main Planning Considerations

Context This application under section 73 seeks minor seeks relatively minor changes to the design of the dwellings previously approved and also seeks to discharge planning conditions by submitting details required by planning conditions attached to this permission. Whilst the changes are of a minor nature any permission granted under section 73 results in a new planning permission being granted which must be assessed in relation to the development plan and other material planning considerations.

Planning History: The principle of residential development on the application site has been established under the full planning permission approved for 3 dwellings under reference 45C133B which was granted conditionally on the 04.04.2017 under the former development plan which has now been superseded by the JLDP which forms the new development plan. This extant planning permission is a material consideration which is termed a “fallback” position as there is a two year period at the time of writing this report in which this planning permission can be implemented. The acceptability of the proposals subject to this section 73 application need to be assessed in relation to policies in the JLDP and other material planning considerations described in the report taking into account the “fallback”.

Principle of the Development The majority of the application site is located outside the settlement boundary of Newborough defined under the provisions of PCYFF 1 of the JLDP. Policy PCYFF 1 states that outside settlement boundaries development will be resisted unless it is in accordance with specific policies in the JLDP or national planning policies or that the proposal demonstrates that a location in the countryside is essential. Newborough is identified as a Service Village under the provisions of Policy TAI 3 of the JLDP and this policy permits housing within the settlement on suitable allocated and windfall sites but resists general market housing such as that being applied for on sites outside the settlement boundary. The proposal being applied for therefore comprises a departure from the development plans which would normally be recommended for refusal as the principle of the development is unacceptable as a matter of principle. In this instance, however, there is an extant planning permission which could be implemented within the next two years and it is material to consider the following:

- Is there a likelihood that the existing permission can be implemented?
- Are the amendments to the permission better than that previously approved?

Given that there is a two year period left to implement the extant planning permission there is more than sufficient time in which to implement the “fallback” position, the applicants have also indicated that they wish to commence the development at the earliest opportunity. Information required under planning conditions of the extant planning permission has been submitted with this application subject to this report and subject to the comments of outstanding consultees there do not appear to be any impediments which would prevent implementation of this extant planning permission. On this basis it is concluded that there is a likelihood of the extant planning permission being implemented.

An assessment of detailed considerations having regard to whether the amendments can be regarded as being better than that previously approved is undertaken below.

Affordable Housing Following the adoption of the JLDP there is a requirements to provide 30% affordable housing for 2 units or more in Newbrough where there is evidence of housing need. Given the extant planning permission (which has no affordable housing requirements) no affordable housing units are being offered as part of the proposals subject to this planning application.

Design and External Appearance The amendments proposed in this planning application are of a minor nature with little difference in design terms terms to that proposed in the extant planning permission. Greater detail of the proposed external materials, fencing and landscaping has been provided with the current application compared to the consent being varied and this is considered a betterment in comparison with the extant planning permission. An additional condition has also been recommended to protect the existing along the southern boundary during construction and to retain them following the development.

Area of Outstanding Natural Beauty The application site is within the AONB and paragraph 5.3.5 of PPW states that the primary objective of designating AONB'S is the conservation and enhancement of their natural beauty and that development management decisions should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. There is also a statutory requirement to have regard to the provisions of the AONB Management Plan. Similar considerations to those described in the preceding section are applicable here in that the provision of the information on external materials, fencing, landscaping and mitigating any impact on the existing trees would provide a betterment in terms of conserving and enhancing the AONB.

Ecology and Biodiversity The provision of additional landscaping and mitigation of any impact on the existing trees would provide a betterment in comparison with that approved under the extant planning permission. The planting of indigenous landscaping also provides a biodiversity improvement which aligns with the council's duties under the Environment Act.

The information provided as part of the planning application to mitigate impacts on Great Crested Newts and wildlife generally by the use of the lights specified is considered acceptable by the council's Ecological and Environmental Adviser and NRW.

Other Matters Following the submission of amended plan Welsh Water have confirmed that they are content with the planning application.

In making a recommendation on this planning application regard has been taken of the planning permission granted under reference HHP/2019/94 for alterations and extension and relocation of the existing garage which was granted planning permission in 2019.

Conclusion

This planning application under section 73 is being recommended for approval because there is an extant planning permission which can be implemented in the next two years. The proposal is being recommended for approval because of the betterments described in the report which would accrue from the proposal subject to this planning application in comparison with the extant planning permission.

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.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more resilient and cohesive Wales in terms of the economic benefits which will accrue as a result of the construction of the dwelling and in meeting the communities housing needs.

Recommendation

That subject to the receipt of the outstanding information described in the report and responses from outstanding consultees that planning permission is granted subject to the following planning conditions:

(01) The development to which this permission relates shall be begun not later than 04/02/2022.

Reason: Planning permission is only being granted on the basis that there is an extant planning permission under reference number 45C133B.

(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: In the interests of highway safety.

(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: In the interests of highway safety.

(04) The access shall be constructed with 2.4 metre by 90 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.

Reason: In the interests of highway safety.

(05) The access shall be completed with a bitumen surface or other suitable surfacing material for the first 5 metres from the nearside edge of the public highway.

Reason: In the interests of highway safety.

(06) The estate road(s) and its access shall be designed and constructed in accordance with 'Technical Requirements for Estate Roads in Anglesey' (copy enclosed with this decision notice).

Reason: In the interests of highway safety.

(07) Rhaid gosod cyrbin ar y ffordd/ffyrdd stad, gosod wyneb terfynol ar y llwybrau cerdded a darparu goleuadau cyn i neb symud i fyw i'r annedd olaf ar y stad neu cyn pen 2 blwyddyn i ddechrau'r datblygiad.

Rheswm: Er budd diogelwch y briffordd.

(07) The estate road(s) shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the development.

Reason: In the interests of highway safety.

(08) 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: In the interests of highway safety.

(09) No surface water from within the curtilage of the site to discharge onto the public highway.

Reason: In the interests of highway safety.

(10) 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 order to safeguard the amenities of the area by enabling the local planning authority to consider whether planning permission should be granted for extensions having regard for the particular layout and design of the development.

(11) No surface water and / or land drainage shall be allowed to connect either directly or indirectly to 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 detriment to the environment.

(12) The landscaping scheme as shown on drawing reference 2733:19:3A shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.

Reason In the interests of visual amenities of the locality.

(13) The trees shown for retention on the approved plan reference 2733:19:3A shall be protected from damage during the whole period of site excavation and construction.

Reason In order to ensure that damage does not occur to the trees during building operations.

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

Location Plan 2733:19:1
Site Plan /AO/SP/01 Revision D
Proposed Elevations Plot 1, 2,3 2733:19:6a
Proposed Site Plan 2733:19:3A
Proposed Floor Plan Plot 1 2733:19:4
Proposed Floor Plan Plot 2 & 3 2733:19:5

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

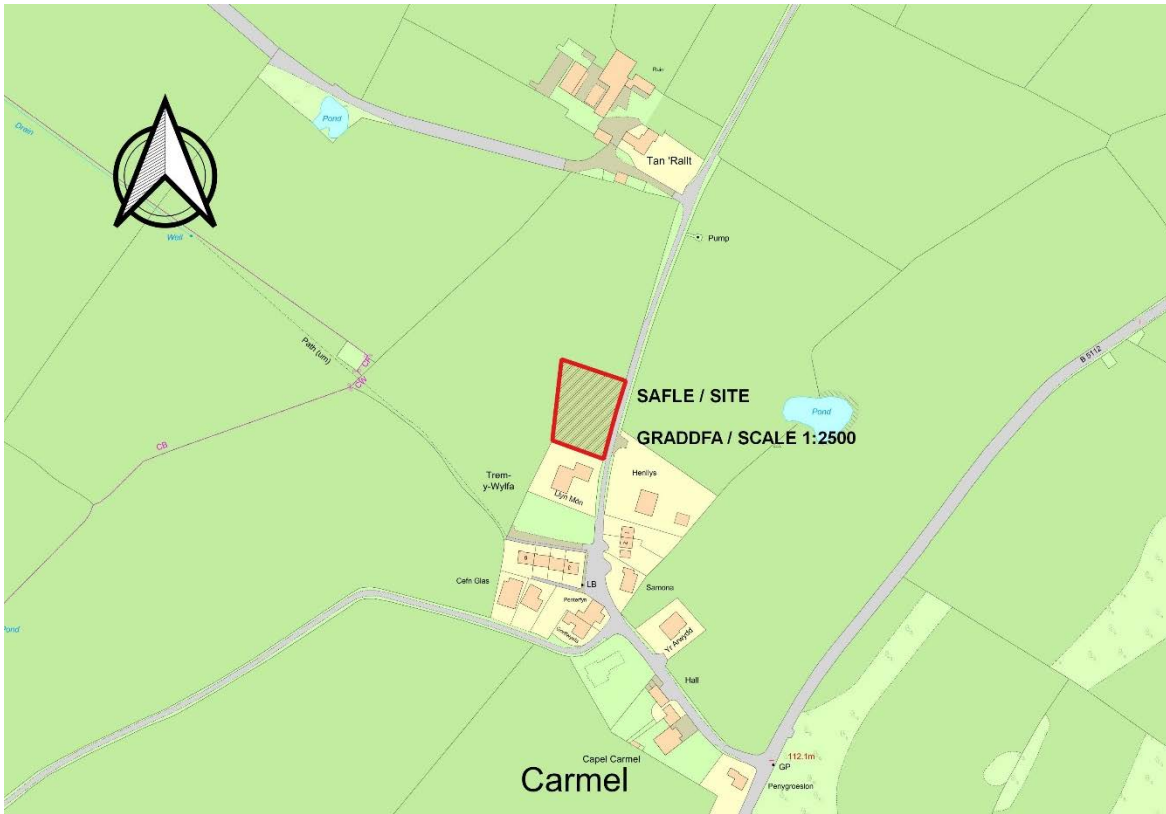
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2020/6

Applicant: Mr & Mrs Dennis & Gaynor Thomas

Description: Cais o dan Adran 73 i ddiwygio amod (01) o ganiatâd materion wedi eu cadw yn ol rhif RM/2019/6 (dyluniad yr annedd) er mwyn diwygio dyluniad yr annedd ynghyd a thynnu y modurdy ar dir yn / Application under Section 73 for the variation of condition (01) of reserved matters permission reference RM/2019/6 (design of the dwelling) so as to allow an amended design and removal of the garage on land at

Site Address: Tan Rallt, Carmel



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

Recommendation: Caniatáu / 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 in which the Local Planning Authority is minded to approve.

Proposal and Site

The application is submitted under Section 73 for the variation of condition (01) of reserved matters permission reference RM/2019/6 in order to allow an amended design. An extant outline application and reserved matters application for the erection of a dwelling with a rear balcony, erection of a detached

garage, construction of a vehicular access together with the installation of a septic tank has been previously approved on the application site.

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 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 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
- Strategic Policy PS 3: Information and Communications Technology
- Strategic Policy PS 1: Welsh Language and Culture
- Policy TRA 2: Parking Standards
- Policy TRA 4: Managing Transport Impacts
- Policy TAI 6: Housing in Clusters

Response to Consultation and Publicity

Consultee	Response
Cyngor Cymdeithas Llanerchymedd	No Response
Cynghorydd John Griffith	No Response
Cynghorydd Llinos Medi Huws	No Response
Cynghorydd Kenneth P. Hughes	No Response
YGC (Ymgynhoriaeth Gwynedd Consultancy)	<p>Due to the size and nature of the development it may be necessary to provide an application to the SAB for approval prior to the commencement of the building work.</p> <p>The drainage strategy provided with the application indicates that the developer has considered the use of sustainable drainage within the site, and includes discussion regarding proposed run-off destination and rate. A drainage plan has also been submitted illustrating the approach discussed in the strategy. However until an application is made to the SAB there remains some uncertainty whether the proposed site layout would enable full</p>

	compliance with the suite of national SuDS standards.
Iechyd yr Amgylchedd / Environmental Health	No Objection
Dwr Cymru Welsh Water	No Comments
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Conditional Approval
Ymgynghorydd Treftadaeth / Heritage Advisor	No Comments

Adjoining properties have been notified of the development. The expiry date to receive representations being 11/03/2020. At the time of writing the report no objections were received. It is not considered that the proposal will have a negative impact upon adjoining residential properties.

Relevant Planning History

25C255 - Outline application for the erection of a dwelling with all matters reserved – Withdrawn
27/05/2016

25C255A - Outline application for the erection of a dwelling with all matters reserved – Approved
11/10/2016

RM/2019/6 - Application for reserved matters for the erection of a dwelling with a rear balcony, erection of a detached garage, construction of a vehicular access together with the installation of a septic tank – Approved 10/10/2019

DIS/2019/92 - Application to discharge condition (04)(Fencing, walling or other means of enclosure), (11)(Drainage systems) and (13)(Traffic Management Scheme) of planning permission 25C255A – Conditions Discharged 10/10/2019

Main Planning Considerations

The principle of a dwelling has already been established under planning application 25C255A. The Outline planning permission for the erection of a dwelling and double garage was approved on the 11/10/2016. A reserved matters application was subsequently approved on the 10/10/2019.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan, Carmel is now identified as a Cluster where any new dwelling must be for an affordable local need on an infill site. The application is therefore contrary to Policy TA16 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 better than that previously approved.

Application reference 25C255A was approved on the 11/10/2016 and the likelihood of it being implemented is very likely as all matters reserved are also approved.

The scheme previously approved under RM/2019/6 was for a two storey dwellinghouse which was approximately 17.1metres (length) x 13 meters (width) and a height of 8.5 meters. The proposal also includes a garage measure at 7.3 meters (width) x 7.0 meters (length) and a height of 6.2 meters. The current application is for a two storey dwellinghouse measured at 16.8 meters (length) x 12.9 meters (width) and a height of 8.3 meters. No garage is being proposed as part of the current application.

The current application reduces the scale and floor space together with the omission of a detached garage in comparison to what was previously approved. It is therefore considered that the proposed development will be an improvement to what was previously granted permission at the site. The proposed materials are also considered acceptable to the area.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 11/03/2020. At the time of writing the report no objections were received. It is not considered that the proposal will have a negative impact upon adjoining residential properties.

Conclusion

The application is contrary to Policy TAI6 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for an open market dwelling.

It is considered that the previous application 25C255A is likely to be implemented and the amendments are an improvement to that originally approved.

Recommendation

Approve the Application subject to conditions

(01) 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 - A-SITE**
- **Site Layout - 2743:19:3C**
- **Proposed Floor Plans - 2743:19:4a**
- **Site Elevations: 2743:19:5a**

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

(02) The development hereby approved shall be constructed strictly in accordance with the mitigation and enhancement measures contained in the report of Cambrian Ecology Ltd Ecological Input Report V2 received on the 02/10/2019

Reason: To safeguard bats and protected species present.

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.