

Application Reference: VAR/2020/49

Applicant: MARED ROBERTS

Description: Application under Section 73A for the variation of condition (01) of planning permission reference 17C278A (Erection of a dwelling) so as to amend the design of the dwelling at

Site Address: Bron Heili, Lon Ganol, Llandegfan



### 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 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 in the open countryside, on the outskirts of the Local Village of Llandegfan.

The application is submitted to vary conditions of previous safeguarded permissions so as to allow for amendments to the design of the dwelling.

## 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

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 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  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Policy ISA 1: Infrastructure Provision  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Strategic Policy PS 17: Settlement Strategy  
Planning Policy Wales (Edition 10, December 2018)  
Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)  
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.
Dwr Cymru Welsh Water	No comments.
Ymgynghoriadau Cynllunio YGC	Comments.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection/comments.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	The design of the proposed dwelling should be considered against the 'fall-back' position in relation to the dwelling that could be built on the site and whether this proposal would provide for a better designed dwelling on the site.
Cyngor Cymuned Cwm Cadnant Community Council	No observations providing that it is not in breach of previous planning conditions and that it complies with the current planning policies.

Cynghorydd Alun Roberts	No response at the time of writing the report.
-------------------------	--

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 22/10/2020.

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

### **Relevant Planning History**

17C278 - Demolition of the existing dwelling together with the erection of a new dwelling on the site at Bron Hauli Farm, Cichle Hill, Llandegfan - Granted - 9.7.1997

17C278A - Erection of one, two storey dwelling at Bron Heili farm, Llandegfan - Granted - 5.7.2004

### **Main Planning Considerations**

The principle of a dwelling has already been established in this location under planning permissions 17C278 and 17C278A. The planning permission is safeguarded by virtue of the fact that the development has been commenced and is therefore extant.

However, since the adoption of the Joint Local Development Plan, Llandegfan is now identified as a Local Village with a defined development boundary under policy TAI 4 of the JLDP. The development site is outside the development boundary and therefore in the open countryside and where any new dwelling must therefore accord with Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities and which requires there to be a proven need for a 'rural enterprise dwelling'.

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 and it is therefore a question of whether the proposed amendments represent an improvement to the scheme previously approved.

There are no proposed amendments to the siting of the dwelling or any significant change to the footprint or overall scale of the dwelling. The amendments relate primarily to the design and will provide for a dwelling of a more modern/contemporary design to that which was approved in 2004.

The proposed amendments are therefore considered to be acceptable and represent an overall improvement to the previously approved plans.

### **Conclusion**

The application is contrary to Policy TAI 4 of the JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which has been implemented.

The proposed amended design 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) 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.

**(02) No further development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.**

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

**(03) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

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

**(04) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced.**

Reason: In the interests of visual amenity.

**(05) 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:**

- **Proposed Site Plan: 2799:20:3**
- **Proposed Floor Plans, Elevations and Section: 2799:20:4**

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, PS17, TRA2, TRA4, ISA1, TAI4.

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.