

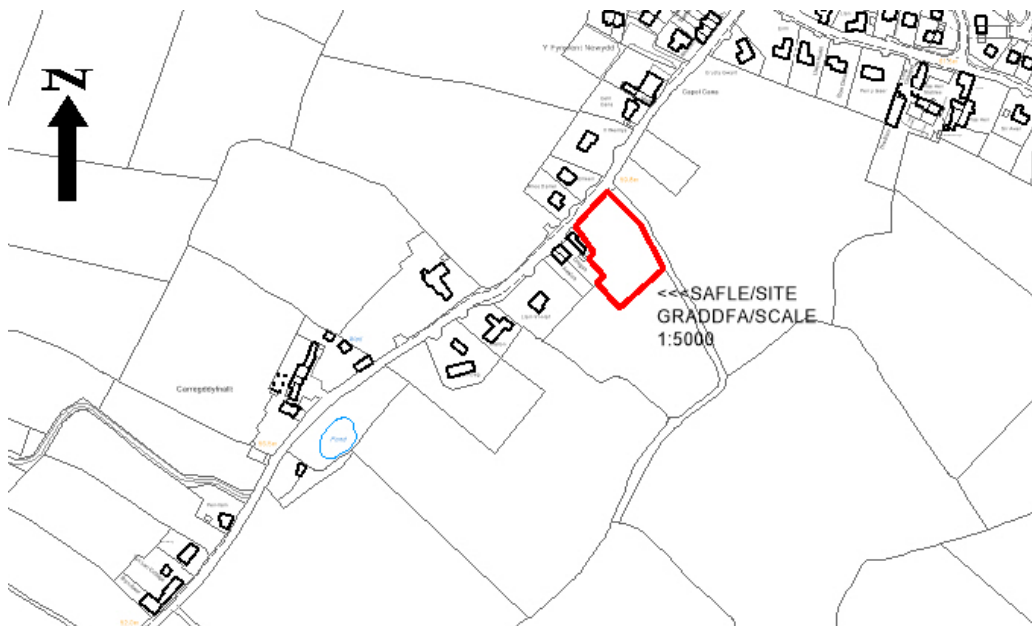
Rhif y Cais: **21C38H/VAR** Application Number

Ymgeisydd Applicant

Anglesey Lifetime Homes Ltd

Cais o dan Adran 73A i ddiwygio amodau (10) (dwr budr a dwr wyneb) a (11) (Cynllun Rheoli a Chynnal a Chadw) o ganiatâd cynllunio rhif 21C38G/VAR (codi 4 annedd) er mwyn cyflwyno gwybodaeth o fewn 3 mis yn lle 2 fis yn yr hen safle / Application under Section 73A for the variation of conditions (10) (foul and surface water) and (11) (Management and Maintenance Plan) of planning permission reference 21C38G/VAR (erection of 4 dwellings) so as to allow the submission of information within 3 months instead of 2 months at the former

Canolfan Busnes Daniel/Daniel Business Centre, Llanddaniel



Planning Committee: 05/09/2018

Report of Head of Regulation and Economic Development Service (GJ)

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

1. Proposal and Site

This is a Section 73A application for the variation of conditions (10) (foul and surface water) and (11) (Management and Maintenance Plan) of planning permission reference 21C38G/VAR (erection of 4 dwellings) so as to allow the submission of information within 3 months instead of 2 months at the former Daniel Business Centre, Llanddaniel.

Llanddaniel is identified as a Local Village and the development is within the development boundary of the village. A small area of the estate road is outside the development boundary and hence the reason for reporting the application to the planning committee.

Full planning permission has been granted on the site under planning application reference 21C38D which was approved on the 8/10/10. Since the application was approved the access and the 1.8m wide footway has been partly completed and 2 of the dwellings are currently under construction.

Planning Application reference 21C38G/VAR was subsequently approved on the 08/02/2018 for the variation of condition (16) (approved plans) of planning permission reference 21C38D (erection of 4 dwellings and new vehicular access) so as to amend the design of the 4 dwellings.

The latest permission, condition (10) required detailed design and construction details of the proposed foul and surface water drainage systems to be submitted to the local planning authority within 2 months of the permission, a request has now been made to submit the information within 3 months of the permission. Details of the foul and surface water drainage system has been provided with the current application for consideration.

Condition (11) also required a Management and Maintenance plan for both the surface water drainage system and the estate road to be submitted to and approved in writing by the local planning authority within 2 months of the permission, a request has now been made to submit the information within 3 months of the permission. Details of the management and maintenance plan for the surface water drainage system and estate road has been provided with the current application for consideration.

2. Key Issue(s)

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.

3. Main Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI4 – Housing in Local, Rural and Coastal Villages

TAI 15 – Affordable Housing Threshold and Distribution

4. Response to Consultation and Publicity

Community Council – Comments - No Objection to extending reporting timescale. Regarding the Manage and Maintenance, is there a particular reason why a management company will be utilised, rather than adopting the road, as mortgage lenders aren't keen of the management companies, and could mean problems when trying to sell.

Local Member (Cllr Eric Wyn Jones) – No response

Local Member (Cllr Dafydd Roberts) – No response

Highways – No response

Drainage - Comments

Welsh Water – No objection

Natural Resources Wales – No objection

Response to Publicity

The application was afforded three means of publicity. These were by the posting of a notice near the site, serving of personal notification letters on the occupiers of the neighbouring properties together with an advertisement in the local newspaper as part of the site is outside the development boundary and therefore contrary to policies of the Joint Local Development Plan. The latest date for the receipt of representations was the 13th June, 2018 and at the time of writing this report no letters had been received.

5. Relevant Planning History

21C38 – Conversion of existing warehouse into 3 industrial units at Llanddaniel – Approved 11/8/89.

21C38A – Outline application to erect 11 starter units – Approved 26/2/91.

21C38B – Erection of a warehouse and associated parking – Refused 10/6/68.

21C38C – Outline application for demolition of existing industrial units together with residential development in lieu of Daniel Business Centre – Approved 8/1/08.

21C38D – Full application for the erection of 4 dwellings together with the construction of a vehicular access on land at the former Daniel Business Centre – Approved 8/10/10.

21C38E/DIS – Application to discharge condition (14) of planning application 21C38D at Daniel Business Centre, Llanddaniel – Approved 12/9/13.

21C38F/DIS – Application to discharge condition (15) of planning application 21C38D at Daniel Business Park – Approved 20/2/14.

21C38G/VAR - Application under Section 73 and Section 73A for the variation of condition (16) (approved plans) of planning permission reference 21C38D (erection of 4 dwellings and new vehicular access) so as to amend the design of the 4 dwellings on land of the former Daniel Business Park – 08/02/2018.

6. Main Planning Considerations

Policy Context - The principle of the erection of four dwellings on the site has been established under planning application 21C38D approved on the 08/10/2010 and later varied under planning application reference 21C38G/VAR approved on the 08/02/2018.

Joint Local Development Plan – Llanddaniel Fab is identified as a Local Village where housing proposals can be supported within the development boundary under Policy TAI 4.

Developments for the erection of two or more houses trigger the need for affordable housing and in Llanddaniel the percentage of affordable units required would be 20%.

The application currently under consideration complies with Policy TAI 4, however it does not comply with Policy TAI 15 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 21C38D was approved on the 8/10/10 and a variation was approved under 21C38G/VAR on the 08/02/18. Work on the site has already commenced (access, road, footway and 2 dwellings currently under construction).

Condition (10) (Surface Water Drainage System)

Condition (10) of permission 21C38G/VAR required detailed design and construction details of the proposed foul and surface water drainage systems to be submitted to the local planning authority within 2 months of the permission, a request has now been made to submit the information within 3 months of the permission. Details of the foul and surface water drainage system has been provided with the current application for consideration and the Highways Authority and Drainage Section has confirmed that the information submitted is acceptable and meets the requirement of the condition.

Condition (11) (Management and Maintenance Plan)

Condition (11) of permission 21C38G/VAR required a Management and Maintenance plan for both the surface water drainage system and the estate road to be submitted to and approved in writing by the local planning authority within 2 months of the permission, a request has now been made to submit the information within 3 months of the permission. Details of the management and maintenance plan for the surface water drainage system and estate road has been provided with the current application for consideration. The Highways Authority and Drainage Section has confirmed that the information submitted is acceptable and meets the requirement of the condition.

Affect on neighbouring properties –

It is not considered that the proposal will have a negative impact upon adjacent residential properties.

7. Conclusion

The application is contrary to Policy TAI 4 and TAI 15 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for four dwellings.

It is considered that works on the previous application 21C38D has commenced which has safeguarded the approved application.

8. Recommendation

Permit

(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 unless otherwise approved in writing by the local planning authority.

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) A 1.8 metre wide footway shall be provided along the whole frontage of the development site adjacent to the County Highway and be completed with detailed specifications agreed in writing with the Local Planning Authority before any dwelling is occupied.

Reason: To comply with the requirements of the Highway Authority.

(05) The access shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway.

Reason: To comply with the requirements of the Highway Authority.

(06) 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: To comply with the requirements of the Highway Authority.

(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 site's boundary with the adjoining highway and nothing exceeding this height erected within 2m. of the said wall.

Reason: To comply with the requirements of the Highway Authority.

(08) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and operational before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority.

(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 comply with the requirements of the Highway Authority.

(10) Foul and surface water drainage systems shall be completed in accordance with drawing number 13113/0001 Rev B received on the 10th August, 2018. The development shall thereafter proceed in accordance with the details approved under the provisions of this condition and the foul and surface water systems shall be complete and operational before any dwelling is occupied.

Reason: To comply with the requirements of the Highway Authority.

(11) The surface water and drainage system and the estate road shall comply with the management and maintenance plan received on the 11th May, 2018 received under planning application 21C38H/VAR. The development shall thereafter proceed and be maintained in

accordance with the Management and Maintenance plan approved under the provisions of this condition.

Reason: To comply with the requirements of the Highway Authority.

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

Drawing / Document number	Date Received	Plan Description
13113/0001 Rev B	10/8/18	Drainage Layout (Received with planning application 21C38H/VAR)
2534:17:8	20/11/17	Proposed Elevations Location Plan (Received with planning application reference 21C38G/VAR)
2534:17:7	20/11/17	Proposed Floor Plans Location Plan (Received with planning application reference 21C38G/VAR)
2534:17:1	20/11/17	Location Plan (Received with planning application reference 21C38G/VAR)
	11/5/18	Management and Maintenance Plan (Received with planning application reference 21C38H/VAR)

and as required to be approved under the conditions imposed under planning application reference 21C38G/VAR and planning application reference 21C38H/VAR.

Reason: For the avoidance of doubt.

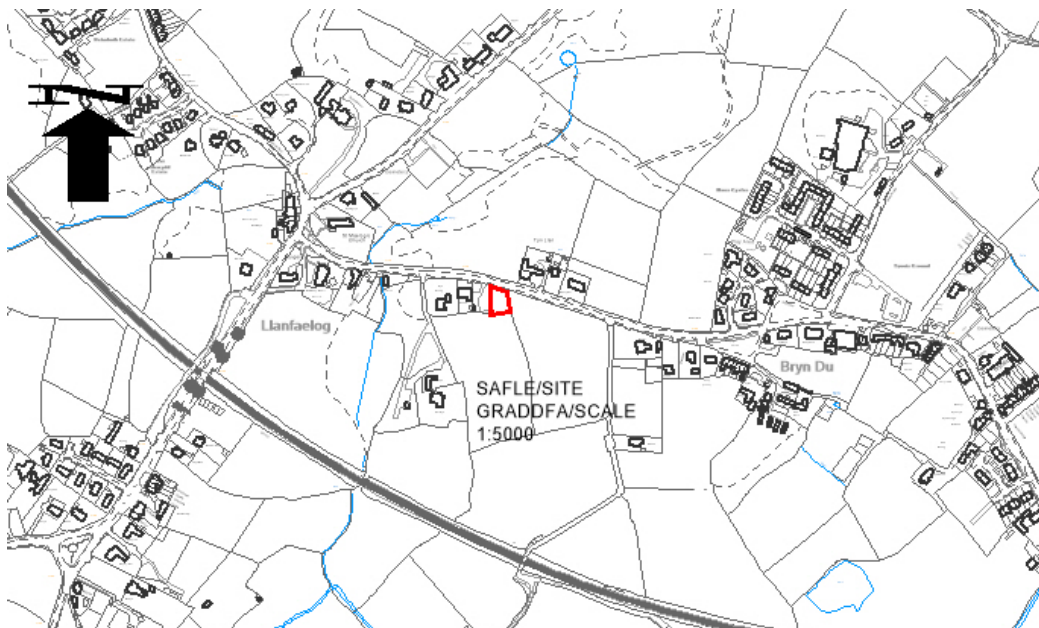
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Rhif y Cais: **28C257D/VAR** Application Number

Ymgeisydd Applicant

Ian a Menna Ball

Cais o dan Adran 73 i ddiwygio amod (11) (cynlluniau a gymeradwywyd) o ganiatâd cynllunio rhif 28C257C (dymchwel yr adeilad presennol ynghyd a chodi annedd newydd) fel y gellir diwygio dyluniad yr annedd ynghyd â newid amodau (02) (system ffosydd cerrig dwr wyneb), (09) (dim dwr wyneb i ddraenio i'r briffordd) a (10) (Cynllun Rheoli Traffig) fel gellir cysidro y wybodaeth fel rhan o'r cais yma ar dir ger / Application under Section 73 for the variation of condition (11) (approved plans) of planning permission reference 28C257C (demolition of existing building together with the erection of a new dwelling) so as to amend the design of the dwelling together with variation of conditions (02) (surface water soakaway system), (09) (no surface water to drain onto highway) and (10) (Traffic Management Plan) so as to provide the necessary details as part of the current application on land adjacent to

Bryn Maelog, Llanfaelog

Planning Committee: 05/09/2018

Report of Head of Regulation and Economic Development Service (GJ)

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

1. Proposal and Site

This is an application under Section 73 for the variation of condition (11) (approved plans) of planning permission reference 28C257C (demolition of existing building together with the erection of a new dwelling) so as to amend the design of the dwelling together with variation of conditions (02) (surface water soakaway system), (09) (no surface water to drain onto highway) and (10) (Traffic Management Plan) so as to provide the necessary details as part of the current application on land adjacent to Bryn Maelog, Llanfaelog.

Llanfaelog is identified as a Coastal/Rural Village under the provisions of Policy TAI 4 of the Joint Local Development Plan. The development is outside of the development boundary of the village and hence the reason for reporting the application to the planning committee.

Full planning permission has been granted on the site under planning application reference 28C257C which was approved on the 05/07/17.

2. Key Issue(s)

The 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.

3. Main Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI4 – Housing in Local, Rural and Coastal Villages

4. Response to Consultation and Publicity

Community Council – No response at the time of writing the report.

Local Member (Cllr Gwilym O Jones) – No response at the time of writing the report.

Local Member (Cllr Richard Dew) – No response at the time of writing the report.

Drainage – The Drainage section has confirmed that connecting surface water into the drainage ditch located within the County Highway is acceptable.

Welsh Water – On the basis that surface water flows are proposed to discharge into the highway drainage system, Welsh Water offers no objection.

Highways – Confirmation has been received that the Traffic Management Plan submitted with the planning application is acceptable.

Response to Publicity

The application was afforded three means of publicity. These were by the posting of a notice near the site, serving of personal notification letters on the occupiers of the neighbouring properties together with an advertisement in the local newspaper as the application site is outside the development boundary and therefore contrary to policies of the Joint Local Development Plan. The latest date for the receipt of representations was the 03.08.2018 and at the time of writing this report no letters had been received.

5. Relevant Planning History

28C257C – Full application for demolition of the existing building together with the erection of a dwelling on land adjacent to Bryn Maelog, Llanfaelog – Granted 5/7/17

6. Main Planning Considerations

Policy Context – The principle of a dwelling on the site has been established by an extant planning permission approved under planning application 28C257C on the 2/8/16.

Joint Local Development Plan – Llanfaelog is identified as a Coastal Rural Village where housing proposals can be supported within the development boundary under Policy TAI 4.

This particular planning application is outside the development boundary of Llanfaelog.

The application currently under consideration does not comply with Policy TAI 4 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.

Full planning permission was approved under planning application reference 28C257C on the 02/8/16. The access to the site has been completed and the boundary wall was under construction when a site visit was undertaken.

Condition (02) (Surface Water/Land Drainage)

Condition (02) of the previous planning permission stated that no development shall commence until full design and construction details of the surface water soakaway system has been submitted to and approved in writing by the local planning authority.

Surface water details have been submitted with the current application. Surface water/ land drainage will connect to the culverted land drainage ditch located within the County Highway. The Drainage Section of the council has confirmed that they are satisfied with the proposal.

Condition (09) (Surface Water)

Condition (09) of the previous permission stated that no surface water from within the curtilage of the site shall discharge onto the county highway and no development shall commence until full design details of the drainage of the site have been submitted to and approved in writing by the Local Planning Authority.

Details have been submitted with the current application. The Highways and Drainage Section are satisfied with the information submitted.

Condition (10) (Traffic Management Plan)

Condition (10) of the previous permission stated that no development shall commence until written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme.

Details have been submitted with the current application and the Highways Authority has confirmed that they are satisfied with the information submitted.

Condition (11) (Approved Plans)

Condition (11) of the previous permission stated that development shall be carried out strictly in accordance with the plans submitted with planning application 28C257C.

The design of the dwelling has been amended as follows:

- On the approved drawings a flat roof double car port was sited to the East of the site. On the amended scheme the garage will be located to the North West of the site and will be a single garage with a slate pitched roof. This is seen as an improvement to the previously approved scheme with the use of high quality material and design instead of a flat roof design.
- The Utility and WC on the ground floor has been increased by 3.4 square metres which is deemed a very minor change. The window serving the WC will move from the rear elevation to the side elevation. This is a minor change and will not have any impact upon the area or any immediate neighbour.
- A new window will be inserted into the ground floor en-suite. This is a minor change and will not have any impact upon the area or any immediate neighbour.
- The main dwelling will be re-located approx. 4m to the East of the site to incorporate the new location of the garage.

Overall, the changes made to the dwelling are minor in nature. It is considered that amending the design of the approved application from a flat roof car port to a single storey pitched roof garage is an improvement to the design of the property.

Effect on neighbouring properties

It is not considered that the proposal will have a negative impact upon adjacent residential properties any more than the previously approved planning permission.

7. Conclusion

The application is contrary to Policy TAI 4 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for a dwelling. The amended design can be seen as an improvement to the previously approved scheme.

8. Recommendation

Permit

(01) The development to which this permission relates shall be begun no later than the expiration of four years beginning with the date of this permission.

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

(02) The surface water soakaway system shall be implemented prior to the occupation of the dwelling in accordance with drawing numbers EL(95)01 Rev A, EL (95) 04, EL(95)06 Rev A, EL(95) 05 and Drainage Strategy received under planning application reference 28C257D/VAR.

Reason: To ensure that the site can be adequately drained.

(03) No surface water from within the curtilage of the site shall discharge onto the county highway. The dwelling shall not be occupied until the Surface water and/or land drainage has been completed in full accordance with drawing numbers EL(95)01 Rev A, EL (95) 04, EL(95)06 Rev A, EL(95) 05 and Drainage Strategy under planning application reference 28C257D/VAR.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(04) The development shall take place in accordance with the reasonable avoidance measures for bats and birds as outlined in Section 11 of the Sam Dyer Ecology Protected Species Survey Report submitted under planning application reference 28C257C.

Reason: To ensure that any protected species which may be present are safeguarded.

(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: To comply with the requirements of the Highway Authority in the interests of road safety.

(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 comply with the requirements of the Highway Authority in the interests of road safety.

(07) The access shall be constructed with 2.4 metre by 90.0 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: To comply with the requirements of the Highway Authority in the interests of road safety.

(08) The access shall be completed with a bitumen surface or other suitable surfacing material as may be agreed in writing with the Local Planning Authority for the first 5 metres from the nearside edge of the County Highway with the surface water drainage system completed and in working order before the use hereby permitted is commenced.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(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 comply with the requirements of the Highway Authority in the interests of road safety.

(10) The works on the application site shall be in strict accordance with the Traffic Management Plan received on the 27/06/2018 received under planning application reference 28C257D/VAR.

Reason: To comply with the requirements of the Highway Authority in the interests of road safety.

(11) The development permitted by this consent shall be carried out strictly in accordance with the plans and documents submitted below:

Drawing	Date Received	Description
	27/6/18	Location Plan (Submitted with Planning application reference 28C257D/VAR)
Sam Dyer Ecology Report	31/01/2017	Protected Species Survey (Received with planning application reference 28C257C)
TY/228/PL03A	27/6/18	Proposed Elevations and Sections

		(Submitted with Planning application reference 28C257D/VAR)
TY/228/PL02A	27/6/18	Proposed Elevations and Floorplans (Submitted with Planning application reference 28C257D/VAR)
TY/228/PL01A	27/6/18	Proposed Site Plan (Submitted with Planning application reference 28C257D/VAR)
TY/228/TC01	27/6/18	Proposed Traffic Control Drawing (Submitted with Planning application reference 28C257D/VAR)
TY/228/PL04A	27/6/18	Proposed New Dwelling (Submitted with Planning application reference 28C257D/VAR)
	27/6/18	Traffic Management Scheme (Submitted with Planning application reference 28C257D/VAR)
	27/6/18	Drainage Strategy dated April 2018 (Submitted with Planning application reference 28C257D/VAR)
EL (95) 01 Rev A	27/6/18	Proposed Section 104 Drainage Layout (Submitted with Planning application reference 28C257D/VAR)
EL (95) 04		Proposed Flood Routing Layout (Submitted with Planning application reference 28C257D/VAR)
EL (95) 06 Rev A		Proposed Drainage Long Sections (Submitted with Planning application reference 28C257D/VAR)

EL (95) 05		Proposed Drainage Details (Submitted with Planning application reference 28C257D/VAR)
Traffic Management Plan		Received 27/6/18 28C257D/VAR

under planning application reference 28C257C and 28C257D/VAR.

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.