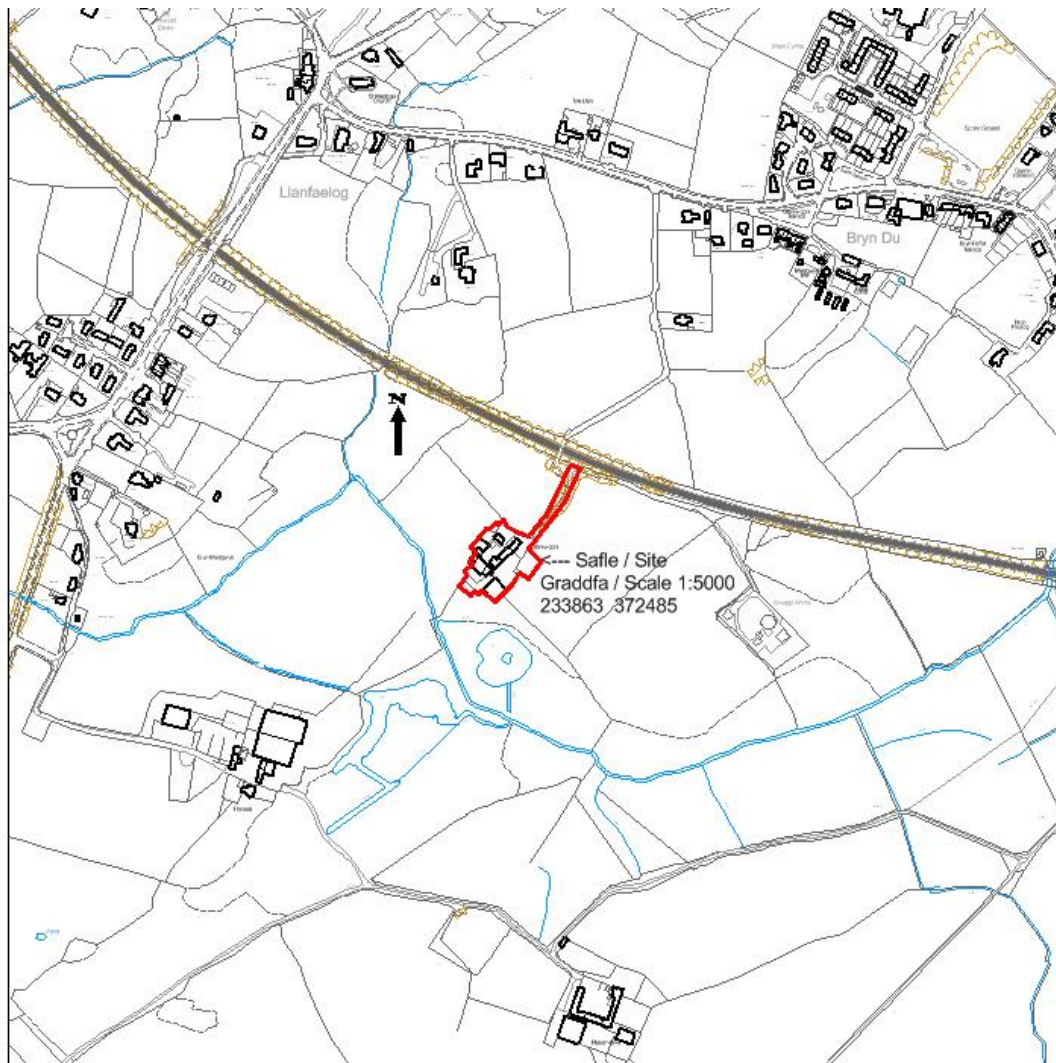


Rhif y Cais: **28C354B/DEL** Application Number

Ymgeisydd Applicant

Mr Richard Dew

Cais o dan Adran 73 i dynnu amodau (07), (08) a (09) (amodau yn cyfyngu'r uned ar gyfer defnydd gwyliau) o caniatâd cynllunio rhif 28C354A (dymchwel yr adeilad allanol presennol ynghyd a chodi uned gwyliau yn ei le) a'i amnewid gyda amodau deiliadaeth gwyliau sengl ynghyd a'i defnyddio fel anecs i'r annedd yn / Application under Section 73 for the removal of conditions (07), (08) and (09) (conditions restricting the use of the unit for holiday purposes) from planning permission reference 28C354A (demolition of the existing outbuilding and the erection of a holiday unit) and replacement with single holiday occupancy conditions together with its use as an annexe to the dwelling at

Glan Y Gors, Llanfaelog

Planning Committee: 05/11/2014

Report of Head of Planning Service (NJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application is submitted by a Local Member.

1. Proposal and Site

The site forms part of a complex of buildings at Glan Gors which are let as holiday accommodation.

The planning permission for the holiday letting unit is restricted by conditions which allow only a seasonal use for no more than 28 days per let. The application seeks the updating of the conditions to reflect the advice contained in TAN 13 as well as to allow the use of the unit as an annexe to the main dwelling in order to accommodate an elderly relative.

2. Key Issue(s)

Compliance with planning policies and policy advice.

3. Main Policies

Ynys Mon Local Plan

Policy 1 – General Policy

Policy 8 – Holiday Accommodation

Gwynedd Structure Plan

Policy CH2- Holiday Accommodation

Stopped Ynys Mon Unitary Development Plan

Policy GP1 – Development Control Guidance

Policy TO2 – Holiday Accommodation

National Planning Policy and Guidance

Planning Policy Wales (Edition 7)

Technical Advice Note 13 – Tourism

4. Response to Consultation and Publicity

The Local Member and Community Council were consulted but no response had been received at the time of writing.

Neighbours were notified through site notice, personal notification and press advert but no response had been received by the expiry date of 15th October 2014.

5. Relevant Planning History

28C354 Full plans for the demolition of the existing outbuilding and the erection of 2 holiday units

together with the conversion of the remaining outbuilding to be a third holiday unit together with the installation of a new septic tank at Glan y Gors, Llanfaelog - Approved 20/10/2005

28C354A Amended plans for the demolition of the existing outbuilding and the erection of a holiday unit in lieu of previously approved application 28c354 for the conversion of the outbuilding into a holiday units at Glan y Gors, Llanfaelog – Approved 05/06/2006.

6. Main Planning Considerations

The holiday letting business at Glan y Gors is operational and consists of 3 letting units, two located near the existing dwelling and the third located in a small yard behind the dwelling.

The application involves this third unit. The current planning permission restricts the holiday letting of this unit to between 1st March and 31st January in any year and to no longer than 28 consecutive days per let.

TAN 13 advises that a holiday occupancy condition rather than a seasonal occupancy suits most circumstances, advising that seasonal occupancy conditions can continue to apply in circumstances where for example due to construction or design, a building is unsuitable for continuous occupation in the winter months or where the site is near a habitat which requires protection at particular times of the year. Neither apply in this case and it is considered acceptable to amend the current conditions to provide for holiday occupancy in accordance with TAN 13 advice.

In addition, the application seeks permission for the use of the unit as an annexe to the dwelling at Glan y Gors in order to accommodate an ailing elderly relative. The use as an annexe as opposed to a holiday letting unit would not create any additional impacts at the site in terms of amenity or landscape effects. Use as both an annexe and as a holiday unit does not equate to a use as a stand-alone permanent dwelling. It is not considered therefore that the proposed annexe use is in conflict with established planning policies.

The permission granted under application 28C354A was subject to a Section 106 legal agreement to retain the holiday units as a single enterprise with the other two holiday units on the site. It is considered that a planning condition can achieve the same objective.

7. Conclusion

The use as an annexe is considered acceptable in amenity and policy terms. The variation of the holiday conditions to allow a holiday use rather than seasonal occupancy is in line with national planning advice.

8. Recommendation

To **permit** the application subject to the following conditions:

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.

(01) The development to which this permission relates shall be begun not later than five years beginning with the date of this permission.

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

(02) The annexe hereby approved shall be used for the purposes of a residential annexe incidental to the enjoyment of the dwelling at Glan y Gors, Llanfaelog and as a holiday letting unit and shall at no time be used as permanent residential premises.

Reason: To define the scope of this permission.

(03) A register of all letting of the unit as a holiday unit shall be kept and made available to the local planning authority on request.

Reason: To prevent unauthorised uses taking place.

Rhif y Cais: **30C728B/DEL** Application Number

Ymgeisydd Applicant

Mr James Burgess

Cais o dan Adran 73 i dynnu amodau (10), (11) a (12) (Cod Cartrefi Cynhaliadwy) o caniatâd cynllunio rhif 30C728 (cais amlinellol i codi annedd) ar blot 3, ar dir ger / Application under Section 73 for the removal of conditions (10), (11) and (12) (Code for Sustainable Homes) from planning permission reference 30C728 (outline application for the erection of a dwelling) on plot 3, on land adjacent to

Meusydd, Llanbedrgeoch



Planning Committee: 05/11/2014

Report of Head of Planning Service (DO)

Recommendation:

Permit.

Reason for Reporting to Committee:

The applicant is employed by the Local Authority and is a 'relevant officer' as defined within paragraph 4.6.10.4 of the Constitution.

The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

1. Proposal and Site

The site lies within the settlement boundary of Llanbedrgoch.

The application is for the removal of conditions (10), (11) and (12) of planning permission 30C728 which relate to the code for sustainable homes.

2. Key Issue(s)

The key issue is whether the proposal complies with the requirement of Technical Advice Note 12: Design.

3. Main Policies

Ynys Mon Local Plan

1 – General Policy
48 – Housing Development Criteria
50 – Listed Settlement
26 – Car Parking
31 - Landscape
42 - Design

Gwynedd Structure Plan

A2 - Housing
D3 - Environment
D28 - Design
D29 - Design
D32 - Design
FF12 - Transport

Stopped Unitary Development Plan

GP1 – Development Control Guidance
GP2 – Design
HP5 – Countryside Hamlets and Clusters
EN1 – Landscape Character
TR10 – Parking Standards

SG5 – Private Sewage Treatment Plant
SG6 – Surface Water Run Off

Technical Advice Note 12: Design

Supplementary Planning Guidance – Design Guide for the Urban and Rural Environment.

4. Response to Consultation and Publicity

Cllr V Hughes – No response at time of writing report.

Cllr I Williams – No response at time of writing report.

Cllr D R Hughes – No response at time of writing report.

Community Council – Approve

The application was afforded two means of publicity these were; the posting of a site notice near the site and the serving of personal notifications on neighbouring properties. The latest date for the receipt of representations was the 09/10/2014 at the time of writing the report no letters of representation has been received at the office.

5. Relevant Planning History

30C728 – Outline application with all matters reserved for the erection of a dwelling together with the construction of a new access and installation of a sewage treatment plant on land adjacent to Meusydd, Llanbedrgoch. Approved 05/01/2012

30C728A/DA – Reserved matters application for the erection of 1 dwelling on land adjacent to Meusydd, Llanbedrgoch. Approved 22/05/2014

6. Main Planning Considerations

An outline application with all matters reserved for the erection of a dwelling on land at Meusydd, Llanbedrgoch was approved on the 05/1/2012.

Conditions (10), (11) and (12) of this approval relate to the code for Sustainable Homes. Under the now cancelled TAN 22 new housing development was required to meet a requirement of the Code for Sustainable Homes and there was a policy requirement to impose planning conditions to meet that objective. In its clarification letter of the 5th June 2014 however the Welsh Government through its Minister for Housing and Regeneration announced the withdrawal of the policy on 31st July 2014 and stated that:

“Any application determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes and any existing adopted LDP policy which may require a higher standard.”

The dwelling which was approved was required to meet the Code for Sustainable Homes but given the policy changes, the request to delete the conditions is considered acceptable in accordance with Welsh Government advice.

As an application under Section 73 is in effect the granting of a whole new planning permission, consideration should be given to what other conditions on the original grant of planning permission need to be included in the new permission. The development has begun on site therefore the 5 year time limit to commence is no longer relevant.

7. Conclusion

The deletion of the conditions is acceptable in accordance with current planning policies.

8. Recommendation

To **permit** the development subject to conditions.

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.

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

Reason: To ensure that the development is in the interests of amenity.

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

(03) 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.

(04) The existing highway boundary wall/fence/hedge 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 2 metres of the said wall.

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

(05) 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.

(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.

Informative

The Highways Authority shall not be responsible for any road surface water entering the site as a result of the development.

Any adjustments, resisting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agent or other approved Contractor before the access is brought into use and completed before the use is commenced.

If he/she chooses to carry out the work himself, the Applicant should be advised to apply in writing to the Corporate Director of Highways, Transportation and Property for the necessary consent, as required under Section 171 of the Highways Act, 1980 to carry out work within the highway for the formation of the footway and/or verge crossing.