

# Public Document Pack



**CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL**

Dr Gwynne Jones  
Prif Weithredwr – Chief Executive  
CYNGOR SIR YNYS MÔN  
ISLE OF ANGLESEY COUNTY COUNCIL  
Swyddfeydd y Cyngor - Council Offices  
LLANGFNI  
Ynys Môn - Anglesey  
LL77 7TW

Ffôn / tel (01248) 752500  
Ffacs / fax (01248) 750839

<b>RHYBUDD O GYFARFOD</b>	<b>NOTICE OF MEETING</b>
<b>PWYLLGOR CYNLLUNIO A GORCHMYNION</b>	<b>PLANNING AND ORDERS COMMITTEE</b>
<b>DYDD MERCHER, 3 GORFFENNAF, 2019 am 1:00 y. p.</b>	<b>WEDNESDAY, 3 JULY 2019 at 1.00 pm</b>
<b>SIAMBR Y CYNGOR, SWYDDFEYDD Y CYNGOR, LLANGFNI</b>	<b>COUNCIL CHAMBER, COUNCIL OFFICES, LLANGFNI</b>
<b>Swyddog Pwyllgor</b>	<b>Ann Holmes 01248 752518 Committee Officer</b>

## **AELODAU / MEMBERS**

Cynghorwyr / Councillors:

**John Griffith  
Glyn Haynes  
T LI Hughes MBE  
K P Hughes  
Vaughan Hughes  
Richard O Jones (Is-Gadeirydd/Vice-Chair)  
Eric Wyn Jones  
Bryan Owen  
Dafydd Roberts  
Nicola Roberts (Cadeirydd/Chair)  
Robin Williams**

**Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy**

## **A g e n d a**

Members are reminded that background papers referred to within committee reports are available for inspection in electronic format on the day of the meeting at the Council Chamber from 12.30 p.m. onwards; alternatively these may be inspected at the Development Management during normal office hours. Documents referred to in reports may also be viewed in full on the electronic application files.

Any additional information to hand following publication of reports will be verbally reported upon to the meeting.

Before a decision notice is released conditions of approval or reasons for refusal given in written reports may be subject to minor amendments to account for typographical errors.

### **Index**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTEREST**

To receive any declaration of interest by any Member or Officer in respect of any item of business.

#### **3 MINUTES OF THE PREVIOUS MEETING\_(Pages 1 - 12)**

To present the minutes of the previous meeting of the Planning and Orders Committee held on 5 June, 2019.

#### **4 SITE VISIT\_(Pages 13 - 14)**

To present the minutes of the planning site visit held on 19 June, 2019.

#### **5 PUBLIC SPEAKING**

#### **6 APPLICATIONS THAT WILL BE DEFERRED\_(Pages 15 - 16)**

6.1 FPL/2019/116 – St David's, Athol Street, Cemaes

#### **7 APPLICATIONS ARISING\_(Pages 17 - 30)**

7.1 FPL/2018/42 – Llain Delyn Estate, Gwalchmai

7.2 FPL/2019/31 – Tŷ Mawr, Pentraeth

#### **8 ECONOMIC APPLICATIONS**

None to be considered by this meeting.

**Please note that meetings of the Committee are filmed for live and subsequent broadcast on the Council's website. The Authority is a Data Controller under the Data Protection Act and data collected during this webcast will be retained in accordance with the Authority's published policy**

## **9 AFFORDABLE HOUSING APPLICATIONS**

None to be considered by this meeting.

## **10 DEPARTURE APPLICATIONS\_(Pages 31 - 42)**

10.1 VAR/2019/5 – Tyn Pwll, Benllech

10.2 VAR/2019/30 – Min y Ffrwd, Minffrwd, Brynteg

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS\_(Pages 43 - 46)**

11.1 FPL/2019/145 – Fferm Cefn Dderwen, Brynsiencyn

## **12 REMAINDER OF APPLICATIONS\_(Pages 47 - 66)**

12.1 VAR/2019/14 – Cae Eithin, Malltraeth

12.2 FPL/2019/98 – Warden House, Awel y Môr, Rhosneigr

12.3 HHP/2019/129 – Tŷ Arfon, Lôn Refail, Llanfairpwll

12.4 FPL/2019/146 – Parc Peibio, Morawelon, Holyhead

## **13 OTHER MATTERS**

None to be considered by this meeting.

This page is intentionally left blank

## Planning and Orders Committee

### Minutes of the meeting held on 5 June 2019

- PRESENT:** Councillor Nicola Roberts (Chair)  
Councillor Richard Owain Jones (Vice-Chair)
- Councillors John Griffith, K P Hughes, Vaughan Hughes,  
Eric Wyn Jones, Bryan Owen and Dafydd Roberts.
- IN ATTENDANCE:** Planning Development Manager (NJ),  
Senior Planning Officer (GJ),  
Business Systems Manager (EW),  
Senior Engineer (Highways Development Control) (EDJ),  
Development Control Engineer (JAR),  
Solicitor (Locum) (NW),  
Committee Officer (MEH).
- APOLOGIES:** Councillors Glyn Haynes, T LI Hughes MBE, Robin Williams.
- ALSO PRESENT:** Local Members: R A Dew (for application 7.3); G O Jones (for  
application 7.3 & 7.5); Margaret M Roberts (for application 7.4);  
Bob Parry OBE FRAgS (for application 12.2).
- 

#### 1 APOLOGIES

As noted above.

#### 2 DECLARATION OF INTEREST

Declarations of interest were made as follows:-

Councillor Richard O Jones declared a personal and prejudicial interest with regard to application 7.1 stating that he would remain in the meeting for the discussion on the application in order to speak as a Local Member. He left the meeting during discussion and voting thereon.

Councillor Nicola Roberts declared a personal and prejudicial interest with regard to application 7.4 and left the meeting during discussion and voting thereon.

Mr John A P Rowlands, Development Control Engineer declared an interest in application 7.3 and left the meeting during discussion and voting thereon.

### 3 MINUTES

The minutes of the meetings of the Planning and Orders Committee were presented and confirmed as follows:-

- 1 May, 2019
- 14 May, 2019 (Election of Chair and Vice-Chair)

### 4 SITE VISITS

The minutes of the planning site visits held on 15 May, 2019 were confirmed.

### 5 PUBLIC SPEAKING

There were public speakers in respect of application 7.3.

### 6 APPLICATIONS THAT WILL BE DEFERRED

None were considered by this meeting of the Planning and Orders Committee.

### 7 APPLICATIONS ARISING

#### **7.1 FPL/2019/13 – Full application for the erection of an agricultural shed for the housing of livestock and the storage of machinery and fodder together with the construction of a hard standing access track on land adjacent to Telephone Mast, Nebo**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 3<sup>rd</sup> April, 2019, it was resolved that a site visit be undertaken and subsequently the site was visited on 17<sup>th</sup> April, 2019. The Planning and Orders Committee held on 1<sup>st</sup> May, 2019 resolved to approve the application contrary to the Officer's recommendation.

*As he had declared a personal and prejudicial interest in the application, Councillor Richard O Jones stood down as Vice-Chair but remained at the meeting in order to make representations as Local Members. He left the meeting during discussions and voting thereon.*

Councillor Richard O Jones showed maps of the planning history of the site to the Committee. He said that the telephone mast has been demolished but the concrete block foundations remains. He said that he considered that the application site complies with planning policy AMG2; it was apparent at the site visit that the proposed agricultural shed would not be visible from the nearby highway if the hedgerow grows any higher and it would comply with Policy PCYFF 4 and PCYFF3.

The Development Control Manager outlined the principle planning issues in relation to the application. She noted that the site is located within the Special Landscape Area of Parys Mountain and adjoining the AONB and the recommendation is to refuse the application.

Councillor K P Hughes said that there is justification in approving the application as it complies with relevant planning policies. Councillor Hughes proposed to reaffirm the decision of the previous meeting to approve the application contrary to the Officer's recommendations.

Councillor John Griffith said that the Planning Officer's recommendations to refuse the application is clear and especially the comments as regards to the effects on the landscape. Councillor Griffith proposed that the application be refused. There was no seconder to the proposal of refusal.

Following the ensuing vote **it was RESOLVED to reaffirm the decision to approve the application contrary to the Officer's recommendation and to authorise the Officer's to apply conditions as regards to landscaping and access to the site.**

## **7.2 FPL/2018/57 – Full application for the erection of 46 dwellings together with the creation of a new vehicular access on land adjacent to Parc Tyddyn Bach, Holyhead**

The application was presented to the Planning and Orders Committee at the request of a Local Member due to local concerns. At the meeting held on 6<sup>th</sup> March, 2019, it was resolved that a site visit be undertaken and subsequently the site was visited on 20<sup>th</sup> March, 2019.

The Development Control Manager outlined the principle planning issues in relation to the application. She said that Welsh Water are satisfied with the details of the drainage on site; the Housing Department is satisfied with the mix of the housing units. Response is still awaited from the Drainage Section and the JDLP Unit. She further referred that there is local concerns as to the effect of the development which is listed within the report. The development affords 4 affordable dwellings which complies with planning policies and a payment will be afforded which is equivalent to the value of 60% of the value of a social rented three bedroom dwelling in Holyhead. The developer will also afford an Open Space and an Informal Green Space on site which complies with planning policy ISA 5. Concerns locally has also been raised as regards to the protection of badger setts in the vicinity of the development site and a scheme indicating and providing full specifications of all access points to the development is to be formed to maintain the ability of badgers to transect the application site to and from their foraging grounds. The Officer's further said that the design of the dwellings and layout of the site has been amended to mitigate the effect on neighbouring dwellings.

Councillor Eric W Jones proposed that the application be approved and Councillor Kenneth P Hughes seconded the proposal.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and that a S106 legal agreement be signed as regards to affordable housing provision, open spaces and badger scheme as noted within the report.**

### 7.3 FPL/2018/52 – Full application for the erection of a new changing rooms and club house for Holyhead Rugby Club at Holyhead Rugby Club, Bryn y Môr Road, Valley

*Having declared an interest in the application, the Development Control Engineer withdrew from the meeting during discussions and determination thereof.*

The application was presented to the Planning and Orders Committee at the request of two Local Members. At the meeting held on 1<sup>st</sup> May, 2019, it was resolved that a site visit be undertaken and subsequently the site was visited on 15<sup>th</sup> May, 2019.

#### *Public Speakers*

Mr Dilwyn Williams (**against the proposal**), said that he was representing the local residents living near the proposed application and noted that their concerns is relating to the increased use of the clubhouse and extra traffic travelling along a narrow road to the site. It is considered that the proposed development is excessive to the area as the neighbouring properties are all residential and agricultural dwellings. He said that there has been no public use of the facilities at the present rugby club and local parking facilities are used during rugby matches. Mr Williams further said that local resident are having to put up with foul language and rubbish thrown into their gardens which is classed as anti-social behaviour and this situation will deteriorate if this application is approved due to the increased use of the site. During the winter period floodlighting at the club will be used which will cause light nuisance to neighbouring properties; mobile floodlighting is also used which is powered by generators which cause noise pollution. The applicants have said that an acoustic fence is proposed across the boundary walls but it was considered that this would not mitigate such noise from the site. He expressed that the Rugby Club do not respect the residents of Bryn-y-Môr Road as they have not consulted with the local community as regards to the proposed new facilities on the site. Bryn-y-Môr Road is a single track highway and traffic travel at excessive speed along the road which is dangerous to pedestrians.

The Committee questioned Mr Williams as to what is different in the proposed application to which already exists on site. Mr Williams responded that a present there is inadequate parking facilities on the site; the only adequate piece of land for parking facilities is at the end of the field which is marshland. The parking facilities proposed by the applicant for 75 car parking areas is considered inadequate when large gathering attend during important rugby matches.

Ms Georgia Crawley (**in support of the application**) said that the Holyhead Rugby Club has resided on this application site for over 50 years and has 250 members. Over the last few years the Club has established a Women and Children's Rugby Teams and also affords training facilities. The current facilities on the site is of a poor condition and the proposed new building has



been designed to provide the standards of facilities that the Club requires. The Clubhouse will be finished to a grey render to ensure that it blend into the landscape and will be located away from adjacent residential properties and will have changing rooms to the rear of the building. The kitchen area will allow the Club to serve refreshments following rugby games and events at the ground. Ms Crawley further said that as part of the proposal additional parking spaces will be provided which will alleviate parking problems and will enable people to park on the site rather than on nearby road and public parking facilities. She noted that the application is supported by full drainage plans which deal with foul and surface water. The development proposal complies with Policy ISA 2 of the Joint Local Development Plan.

The Committee questioned Ms Crawley as to the measures undertaken by the applicant to alleviate the concerns of local residents as regards to this proposed development. Ms Crawley responded that the ability to afford facilities for all member of the Club will alleviate noise nuisance and extra parking facilities will also be afforded to ease local concerns together with a lighting scheme.

Councillor R A Dew, a Local Member said that he was representing the residents of the community in opposition to this proposed application in respect of increased use of the clubhouse and the concerns as to the increase traffic that will be using the single track highway to the site. He also noted that the Valley Community Council object to the proposed development at Bryn-y-Môr. It is appreciated that an existing facility already on site but concerns have been raised as to the scale of the development and the increase use of the facilities. Councillor Dew questioned as whether the Clubhouse will be used outside the hours of rugby games on site. The scheme affords extra parking facilities on site; residents have expressed that there has been a lack of use of current parking facilities on site at present and cars are parking at the side of the road.

Councillor Gwilym O Jones, a Local Member reiterated the concerns of the local residents as regards to this proposed development. He appreciated that conditions will be attached to any approval of the application and highlighted that these need to be adhered to.

The Development Control Manager outlined the principle planning issues in relation to the application. She said that approval for a rugby pitch at Bryn-y-Môr, Valley was afforded in 1962 and numerous planning approval have been given over the years. Members will be aware at the site visit that the clubhouse is in a dire state and the new facility will enhance the Rugby Club. The site is within a designed AONB area and some changes have been made to the scheme so as to conforms to the surrounding area. An acoustic fence is to be erected to mitigate any noise nuisance from the site. The Highways Authority has raised no concerns to the development as the use of the site as a rugby club already exist. A Construction Traffic Management Plan and Operational Phase Traffic Management Plan condition will be imposed on any approval of the application. The Officer's further referred that the applicant has confirmed that a bar/social area is to be used for usual post-match food and drinks consumption which will be controlled under Licensing Legislation and will close at 10.00 p.m. The Rugby Club has raised that there is restrictions that the Club

is not be used before 10.00 a.m., but the purpose of this condition was to regulate the sale of refreshments and not to restrict the use of the pitch itself as the junior team train early in the morning. Discussions has been undertaken as regards to the lighting of the site and that they be extinguish at 10.00 p.m.; a mobile floodlighting provision exist at present on the site and an additional condition is required to ensure lighting scheme be submitted as part of any approval of the application.

Councillor Bryan Owen proposed that the application be approved and Councillor John Griffith seconded the proposal.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and that additional condition be imposed that a lighting scheme be submitted and approved prior to installation on site.**

#### **7.4 FPL/2019/31 – Full application for the conversion of an outbuilding into a holiday letting unit together with the installation of a new septic tank at Ty Mawr, Pentraeth**

*Having declared a personal and prejudicial interest in the application, the Chair Councillor Nicola Roberts stood down as Chair and left the meeting during discussions and determination thereof. The Vice-Chair took over as Chair for this item.*

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the meeting held on 1<sup>st</sup> May, 2019, it was resolved that a site visit be undertaken and subsequently the site was visited on 15<sup>th</sup> May, 2019.

Councillor Margaret M Roberts, a Local Member highlighted the planning history of the site to the Committee. She noted that the outbuilding is suitable for conversion to a holiday letting unit. The owners of a wooden chalet next to the proposal has recently received planning permission for the erection a new dwelling which is to be used as a holiday home. Councillor Roberts considered that this development would enrich the landscape and no objections has been received to the proposed development.

The Development Control Manager outlined the principle planning issues in relation to the application as noted within the report. She said that the scale of the proposal is considered excessive with a large proportion of the outbuilding to be demolished and rebuilt as a two storey section to the front elevation. The proposal has a volume of approximately 786m<sup>3</sup> which is nearly double the existing building. Whilst it is noted that the increase footprint is small, the two storey proportion of the building adds considerable volume and scale which would be to the detriment of the buildings character and appearance.

Councillor John Griffith said that the increase in the footprint of the development will be excessive; the development is within an AONB and also in view of the Coastal Path; it is also a distance from the development boundary of Pentraeth.

Councillor John Griffith proposed that the application be refused in accordance with the Officer's recommendation. Councillor R O Jones seconded the proposal.

Councillor Eric W Jones said that such a development needs to be supported as tourism is important for the economic benefit of the Island. Councillor Jones proposed that the application be approved in contrary to the Officer's recommendation. Councillor K P Hughes seconded the proposal of approval.

**It was RESOLVED to approve the application contrary to the Officer's recommendation as it is deemed that the holiday unit conforms with planning policies and will be of an economic benefit.**

***In accordance with the requirements of the Council's Constitution, the application was automatically deferred to the next meeting to allow Officers the opportunity to prepare a report on the reasons given for approving the application.***

#### **7.5 FPL/2019/51 – Full application for the change of use of land for open storage of stone material ancillary to the primary use of funeral undertakers on land opposite Preswylfa, Valley**

The application was presented to the Planning and Orders Committee at the request of two Local Members. At its meeting held on the 1<sup>st</sup> May, 2019 the Committee resolved to approve the application contrary to the Officer's recommendation.

The Development Control Manager outlined the principle planning issues in relation to the application as noted within the report. She said that the application site would become a brownfield site if the application was to be approved. National Planning Policies are clear that such development should not be approved. The Flood Risk Assessment submitted by the applicant is inaccurate having referred to the ridge height of the tidal doors and has relied on outdated breach analysis of Tyddyn Cob by utilising data from previous studies and would not withstand a legal challenge. Natural Resources Wales has submitted clear objections to the application and the application is contrary to Technical Advice Note 15. The recommendation is of refusal of the application.

Councillor K P Hughes proposed to reaffirm the decision to approve the application. Councillor Bryan Owen seconded the proposal.

The Development Control Manager said that if the Committee were mindful in approving the application she ascertained whether conditions needs to be attached to any approval of the application. She noted that the applicant has submitted landscaping details as part of the application and a Flood Risk Assessment has been also submitted which states that the level of the land be at 2m to avoid flooding but the findings of the Assessment is inaccurate. The Officer's advised the Committee to place conditions on any approval of the application on the level of the land to mitigate any effect on neighbouring

buildings and that discussion take place with NRW as regards to these conditions.

Councillor Dafydd Roberts said that he considered that as stone materials is to be stored on site he questioned whether porous material could be used to allow for surface water flow.

The Committee voted as regards whether conditions needs to be place on the approval of the application and on the casting vote of the Chair it was resolved that conditions be attached to the application.

Councillor R O Jones abstained from voting.

**It was RESOLVED to reaffirm the decision to approve the application contrary to the Officer's recommendation subject to additional conditions as regards to landscaping of the site and that porous material be used to allow for surface water flow.**

#### **7.6 14C257 – Outline application for the erection of an affordable dwelling together with full details of the vehicular access and drainage with all other matters reserved on land adjacent to Cefn Trefor, Trefor**

The application was presented to the Planning and Orders Committee for determination.

Councillor Bob Parry OBE FRAGS, a Local Member said that following discussion at the Joint Planning Policy Committee the applicant now conforms to the criteria 'local connection' to the village of Trefor. He asked the Committee to support the application.

The Development Control Manager outlined the principle planning issues in relation to the application as noted within the report. She said that at the meeting of the Planning and Orders Committee held on 7<sup>th</sup> November, 2018 the application was deferred in order to refer the issue of the definition of local person and the rural hinterland of clusters within the meaning of Policy TAI 6 of the Joint Local Development Plan to the Joint Planning Policy Committee. In light of the request for clarity over the extent of the 'surrounding rural area' in relation to Policy TAI 6 it was agreed that it would be beneficial for the emerging Affordable Housing Supplementary Planning Guidance (SPG) to provide the required advice for both affordable housing provision under Policies TAI 6 and TAI 4 of the JDLP. On 15<sup>th</sup> April, 2019 the SPG on Affordable Housing was adopted by the Joint Development Planning Committee and the definition of 'surrounding rural area' for applications, Local, Coastal or Rural Village or Clusters was adopted. The Officer clarified that the 'surrounding rural area' definition was that a distance of 6km from the site of the application and the extent of any Community Council area bisected by the 6km distance, but excluding properties within the development boundary of any settlement other than the settlement within the application is located. She noted that the Local Planning Authority continues to recommend refusal of the application due to the

scale of the proposed dwelling as it would create an intrusive feature in the locality.

The Chair, Councillor Nicola Roberts said that she supported the applicants in respect of this application as she did not consider that the proposed development would intrude into the character of the local community. Councillor Nicola Roberts proposed to reaffirm the decision to approve the application contrary to the Officer's recommendation. Councillor Bryan Owen seconded the proposal.

**It was RESOLVED to reaffirm the decision to approve the application contrary to the Officer's recommendation subject to the conditions within the written report and that a S106 legal agreement be signed as regards to the 'local connection' criteria which the applicant conforms to in accordance with the Joint Local Development Plan criteria.**

## **8 ECONOMIC APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

## **9 AFFORDABLE HOUSING APPLICATIONS**

None were considered by this meeting of the Planning and Orders Committee.

## **10 DEPARTURE APPLICATIONS**

### **10.1 FPL/2019/70 – Full application for the erection of a dwelling including a balcony together with creation of new access of land adjacent to Glyndaf, Rhoscefnhir**

The application was presented to the Planning and Orders Committee as the application is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

The Development Control Manager outlined the principle planning issues in relation to the application.

Councillor Kenneth P Hughes proposed that the application be approved and Councillor Eric Jones seconded the proposal.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report.**

### **10.2 FPL/2019/43 – Full application for the erection of a dwelling and garage together with the installation of a septic tank at Tyn Lôn, Llangwyllog**

The application was presented to the Planning and Orders Committee as the application is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve.

The Development Control Manager outlined the principle planning issues in relation to the application.

Councillor Richard O Jones proposed that the application be approved and Councillor Dafydd Roberts seconded the proposal.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report.**

## **11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS**

### **11.1 HHP/2019/116 – Full application for the erection of a garage at Plas Newydd, Llanddeusant**

The application was presented to the Planning and Orders Committee as the applicant is made by a close relative of a relevant Officer. In accordance with the requirements of the Council's Constitution, the application has been scrutinised by the Council's Monitoring Officer.

The Development Control Manager said that the public consultation period does not come to an end until 10 June, 2019 and requested that the Officer's be afforded power to act following the public consultation period if no representations have been received.

Councillor Kenneth P Hughes proposed that the application be approved and Councillor John Griffith seconded the proposal.

**It was RESOLVED to approve the application and to grant the Officer's power to act following the statutory public consultation period coming to an end.**

### **11.2 HHP/2019/121 – Full application for alterations and extensions at Ty Rhos, Llanfaethlu**

The application was presented to the Planning and Orders Committee as the applicant is made by a relevant Officer as defined within paragraph 4.6.10 of the Constitution. In accordance with the requirements of the Council's Constitution, the application has been scrutinised by the Council's Monitoring Officer.

The Development Control Manager said that the public consultation period does not come to an end until 10 June, 2019 and requested that the Officer's be afforded power to act following the public consultation period if no representations have been received.

Councillor Kenneth P Hughes proposed that the application be approved and Councillor John Griffith seconded the proposal.

**It was RESOLVED to approve the application and to grant the Officer's power to act following the statutory public consultation period coming to an end.**

## **12 REMAINDER OF APPLICATIONS**

### **12.1 FPL/2019/40 – Full application for the change of use of a golf shop (Use Class A1) into a restaurant (Use Class A3) together with the installation of an external chimney and extraction flue and formation of external decking area at Llangefni Golf Club, Llangefni**

The application was presented to the Planning and Orders Committee as the site is located on Council owned land.

The Development Control Manager outlined the principle planning issues in relation to the application as noted within the report. She said that part of the application is retrospective as doors have been erected in place of a window to allow access to the decking area and an external chimney has also been erected onto the building. Details of the external flue would need to be submitted by the applicant before any release of the approval of the application. An amendment was made to the Officer's report that the latest date for the receipt of representations should be 12 June, 2019. The Officer further said that the application is supported by local and national planning policy and in particular MAN 6 of the Joint Local Development Plan (JLDP).

The Committee ascertained as to the parking facilities on site. The Highways Officer responded that the public car park of Oriel Ynys Môn will be available as is used by the users of the Golf Driving Range as at present.

Councillor Dafydd Roberts proposed that the application be approved. Councillor John Griffith seconded the proposal.

Councillor Bryan Owen proposed that the application be refused due to the effect on the local area. Councillor Eric W Jones seconded the proposal.

Following the ensuing vote:-

**It was RESOLVED to approve the application and to grant the Officer's power to act following the statutory public consultation period coming to an end.**

### **12.2 FPL/2018/42 – Full application for erection of 8 market and 2 affordable dwellings, construction of a new vehicular access and road together with soft and hard landscaping on land adjacent to Llain Delyn Estate, Gwalchmai**

The application was presented to the Planning and Orders Committee at the request of a Local Member.

Councillor Bob Parry OBE FRAGS, a Local Member requested a site visit to the site due to concern as to the access to the site.

**It was RESOLVED that a site visit be undertaken in accordance with the request made by a Local Member for the reasons given.**

**12.3 25C121H – Full application for the erection of 4 dwellings together with vehicular access at Maryfore Site, Llannerchymedd**

The application was presented to the Planning and Orders Committee as part of the application site is located on Council owned land.

The Development Control Manager outlined the principle planning issues in relation to the application. She said that a S106 legal agreement will be required as regards to the Education Service seeking a contribution towards accommodating the additional pupil numbers and one affordable dwelling is required as part of the proposed development.

Councillor Eric W Jones proposed that the application be approved and Councillor Kenneth P Hughes seconded the proposal.

**It was RESOLVED to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the written report and that a S106 legal agreement be signed as regards to affordable housing provision and the education contribution.**

**13 OTHER MATTERS**

None were considered by this meeting of the Planning and Orders Committee.

**COUNCILLOR NICOLA ROBERTS  
CHAIR**



## PLANNING SITE VISITS

### Minutes of the meeting held on 19 June, 2019

- PRESENT:** Councillor Nicola Roberts - Chair
- Councillors John Griffith, Glyn Haynes, K P Hughes, Eric Wyn Jones, Dafydd Roberts, Robin Williams.
- IN ATTENDANCE:** Team Leader (DPJ),  
Development Control Engineer (Highways) (JAR).
- APOLOGIES:** Councillors T LI Hughes MBE, Vaughan Hughes, R O Jones, Bryan Owen.
- ALSO PRESENT:** None
- 

**1. FPL/2018/42 – Full application for the erection of 8 market and 2 affordable dwellings, construction of a new vehicular access and road together with soft and hard landscaping on land adjacent to Llain Delyn Estate, Gwalchmai**

Members viewed the application site from the Llain Delyn Estate and an overview was provided of the proposal. Members also viewed the track adjacent to the Doctor's Surgery forming part of the application site.

**COUNCILLOR NICOLA ROBERTS  
CHAIR**

This page is intentionally left blank

**Planning Committee:** 03/07/2019

6.1

**Application Reference:** FPL/2019/116

**Applicant:** Oblates of Mary Immaculate

**Description:** Cais llawn i newid defnydd hen eglwys i fod yn ddwy uned wyliau ynghyd ag addasiadau ac estyniadau yn /Full application for the change of use of former church into two holiday units together with alterations and extensions at

**Site Address:** St. Davids, Athol Street, Bae Cemaes Bay



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Site Visit

**Reason for Reporting to Committee**

The planning application has been called- in to the planning committee due to concerns regarding road safety, the design of the proposed development and land ownership. In addition, several objections have been received to the development and it would therefore be beneficial for members to view the development site prior to considering the planning application.

This page is intentionally left blank

**Planning Committee:** 03/07/2019

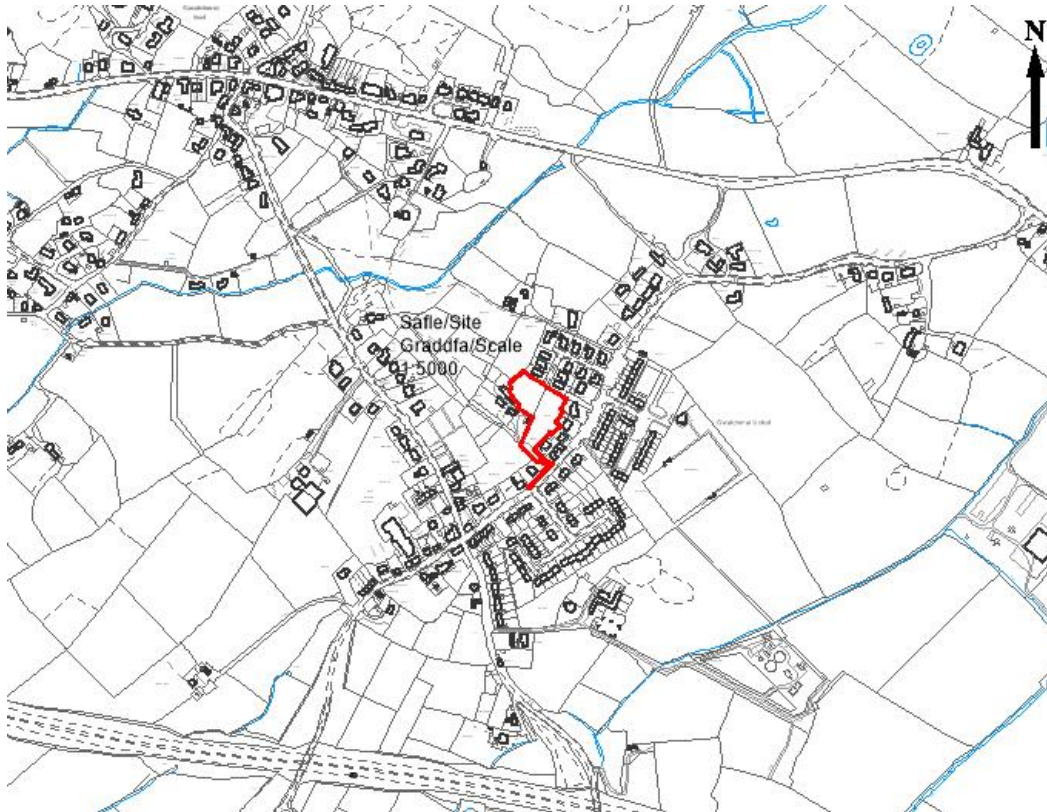
7.1

**Application Reference:** FPL/2018/42

**Applicant:** B.C. Services (Anglesey) Ltd

**Description:** Cais llawn i godi 8 o anheddau marchnad a 2 o anheddau fforddiadwy, creu mynedfa newydd a ffordd i gerbydau ynghyd â gwaith thirlunio meddal a chaled ar dir ger / Full application for erection of 8 market and 2 affordable dwellings, construction of a new vehicular access and road together with soft and hard landscaping on land adjacent to

**Site Address:** Llain Delyn Estate, Gwalchmai



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

**Recommendation:** Heb Benderfyniad / Not yet Determined

### **Reason for Reporting to Committee**

The planning application has been called to the planning committee by the local member. Members resolved at the Planning Committee the 5th June 2019 to convene a site visit and this was convened on the 19th June 2019.

### **Proposal and Site**

The application site comprises a predominantly greenfield site with part of which can be described as comprising previously developed land. To the north of the development there is an existing estate at Llain Delyn which comprise bungalows with tiled roofs. In the vicinity of the development there is a mixture on

single and two storey houses, predominantly rendered and with a mixture of slated and tiled roof properties present.

The application site is bounded to the south east by the rear of properties facing Crown Street. To the south there is an access track leading from the doctor's surgery on Crown Street which serves a number of properties including Ysgubor Esgob, this track comprises part of a Public Right of Way. Ysgubor Esgob is generally at a lower level than the application site and has a number of boundaries with the application site with trees and hedges present along sections. On one of these boundaries there is an existing building which appeared to be being used for domestic storage directly abutting the boundary.

The proposal is made for 10 residential units two of which would be affordable. The mix of housing types comprises 2 one bedroom bungalows, 2 two bedroom bungalows, 4 two bedroom houses and 2 three bedroom houses. Vehicular access to the development is via the existing Llain Delyn cul de sac estate road which leads to Crown Street. As part of the proposal a private vehicular access onto the proposed estate road from Ysgubor Esgob has been provided. A proposed open space is provided to the as a part of the development to the north west amounting to an area of around 490m<sup>2</sup>. Externally the proposed development would have a slated roof, self-coloured render walls, UPVC windows and timber boarding.

### **Key Issues**

- Principle of Residential Development
- Relationship with Adjacent Properties
- Highway Considerations and Sustainable Transport
- Ecology and Biodiversity Considerations

### **Policies**

#### **Joint Local Development Plan**

#### **Anglesey and Gwynedd Joint Local Development Plan (2017)**

TRA 2: Parking Standards

TRA 4: Managing Transport Impacts

PS 5: Sustainable Development

PS 6: Alleviating and Adapting to the Effects of Climate Change

PCYFF 1: Development Boundaries

PCYFF 2: Development Criteria

PCYFF 3: Design and Place Shaping

PCYFF 4: Design and Landscaping

PCYFF 6: Water Conservation

TAI 3: Housing in Service Villages

TAI 8: Appropriate Housing Mix

TAI 15: Affordable Housing Threshold & Distribution

Technical Advice Note (TAN): Planning and Affordable Housing (2006)

AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and where appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 10, December 2017)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 18: Transport (2007)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance Affordable Housing (2004)

Supplementary Planning Guidance IOCC Design Guide for the urban and Rural Environment (2008) "SPG Design Guide"

Supplementary Planning Guidance Parking Standards (2008)

Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2008)

Supplementary Planning Guidance Housing Mix (October 2018)

## **Response to Consultation and Publicity**

**Gwasanaeth Addysg / Education Service:** Would seek contributions of £22,049.58 towards accommodating additional pupils at Ysgol Y Ffridd.

**Cynghorydd Nicola Roberts:** No observations received.

**Cynghorydd Dylan Rees:** No observations received.

**Cynghorydd Bob Parry:** Called the planning application to committee because of local concerns regarding the access.

**Cyngor Cymuned Trewalchmai Community Council:**

- Access to the site through Llain Delyn: The road is not wide enough for 20 vehicles. If a car was parked on the side of the road it would not be possible for another to pass
- Two storey height: This is out of character with the existing estate at Llain Delyn which is all single storey.
- Green open space: Who would be responsible for retaining and maintaining this area?, the area could be used for anti-social behaviour as young people could congregate there, there is no need for additional children's play area as there is already one present at Llain Delyn in addition to a football pitch, the green open space would impair on the privacy of houses which back on to the green open space.
- Education: The estate could have an impact on the language and ethos in the adjacent primary school.
- Health: Consideration should be given as to whether the local surgery can cope with the additional demand as a result of the development
- Construction duration: Lorries should not be allowed to enter the development between 9.00am and 3.00pm so as to ensure the safety of children walking to the primary school. It should also be ensured that the estate has a Welsh name.
- Parking: One bedroom dwellings, one parking space is not sufficient, there should be 2.
- Need: Is there need in the village for houses?

**Priffyrdd a Trafnidiaeth / Highways and Transportation:** Conditional permission.

**Strategol Tai / Housing Strategy:** Have detailed the mix of housing types required based on the Housing Waiting List and the Tai Teg Affordable Housing Register and confirmed that the mix align with need indicated in these. Have also confirmed that a housing survey was undertaken in the area in 2017 and that the mix of the proposed development accords with the results of this survey. It is also confirmed that this is Grwp Cynefin development and the development will comprise a mix of social rented and intermediate rent. The Housing Service confirms that they support the development and that the mix is acceptable. In addition it is confirmed that plots 1 and 2 should be identified for social rented purposes as part of the legal agreement requiring affordable housing.

**Swyddog Llwybrau / Footpaths Officer:** – No comment.

**Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit:**

- The site is within the development boundary but not allocated for a specific use in the JLDP. Policy PCYFF 1 and Policy TAI 3 support residential development on windfall sites within development boundaries.
- Policy TAI 15 seeks an appropriate provision of affordable housing. The proposal meets the criteria for an affordable housing contribution.
- Policy TAI 8 requires an appropriate housing mix to improve the balance of housing in the community.

- Policy ISA 1 seeks adequate infrastructure capacity and where this is not provided by a service or infrastructure company, this must be funded by the proposal.
- You will need to be satisfied that the proposal complies with these Policies as well as more generic policies that relate, e.g. to design, landscaping, vehicular access.
- As part of the application an area of 490m<sup>2</sup> of public open space is to be provided on site to meet the needs identified in this assessment although the proposed area will not incorporate any play equipment. I note that the Community Council has stated that they do not wish to see further equipped playing areas in Gwalchmai and on this basis the informal play area proposed would comply with policy ISA: 5.

**Adain Dechnegol (Draenio) / Technical Section (Drainage):** The drainage plans presented on 08/04/2019 appear sufficient to manage surface water run-off from the proposed development.

**Ymgynghorydd Treftadaeth / Heritage Advisor:** The nearest heritage assets are the grade II listed Jerusalem Chapel and Ty Capel both situated some 90m to the south west. It is not anticipated that the proposed development would impact on the setting of these heritage assets.

**Ymgynghorydd Tirwedd / Landscape Advisor:** Retention of the hedgerow (as now clarified) helps with satisfaction of relevant criteria from PCYFF 4 ad AMG 3 with regard to integrating a development and retention of landscape features.

**Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor:** Advice provided on the conditioning of ecological mitigation measures. Confirmed that the proposed areas of hawthorn planting will benefit biodiversity bearing in mind the Council's duty under the Environment Wales Act 2016 to seek to maintain and enhance biodiversity in the carrying out of its functions).

**Dwr Cymru Welsh Water:** Have indicated that there is the possibility that there is an uncharted public sewer crossing into the application site and that an easement of 3 metres will be required and an informative on this is recommended. Conditional permission recommended specifying the discharge point of foul drainage to the public sewer.

**Ministry of Defence:** No safeguarding objections.

**Cyfoeth Naturiol Cymru / Natural Resources Wales:** No objections subject to adherence to the mitigation measures in the ecological report accompanying the planning application including listing the report in the approved plans and advice is also provided in relation to waste produced in the development.

**Iechyd yr Amgylchedd / Environmental Health:** Considerations in relation to working hours, pneumatic rock machinery and the burning of waste are described.

**Betsi Cadwaladr University Health Board:** A scheme of 10 houses which should accommodate about 40 people should not impact adversely on the local health services.

The planning application has been advertised in the press as a major planning application affecting a Public Right of Way, site notices were posted and adjacent properties were notified in writing. Amended plans were received in the course of processing the planning application which essentially amended landscaping and boundary details along the boundaries of the development. The notification period for the latest amended plans expires on the 23.01.2019. At the time of writing one objection has been received on the following grounds:

- No response received from the agents following representations which were made during the pre-application consultation process.
- Concern expressed regarding the impact of the development on retaining, dry stone walls and buildings along the boundaries of the writer's property.
- Concern expressed regarding the potential obstruction and safety implications of the usage of the private access adjacent leading from the doctor's surgery at Crown Street for construction traffic purposes.
- Contended that two storey houses would be out of character.
- Indicated that two storey houses and associated fencing would be overpowering.



## Relevant Planning History

48C168 Full application for the erection of two dwellings together with the construction of a new vehicular access, disposed of 08.04.2009.

48C168A Outline application for residential development, withdrawn 02.02.2018.

## Main Planning Considerations

**General Considerations** The proposal comprises a major planning application and the applicant has undertaken pre-application consultation and publicity under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

**Principle of Development** The enquiry site is located on an unallocated site within the settlement boundary of Gwalchmai under the provisions of PCYFF 1 and the principle of residential development is therefore acceptable under the provisions of TAI 3 provided that the size, scale type and design of the development corresponds with the settlements character, and this material consideration is assessed in the next section of the report.

Criterion (3) within Policy PCYFF 2 seeks to ensure that proposals make the most efficient use of land, including achieving densities of a minimum of 30 housing units per hectare for residential development (unless there are local circumstances or site constraints that dictate a lower density). The density of the development amounts to 24 dwellings per hectare and whilst this is slightly lower than expected this is considered acceptable given the density of the development in the locality, the need to provide a green open space, surface water attenuation measures, residential amenity and landscape considerations which are considered in more detail in the report below.

Policy TAI 8 of the JLDP in essence requires that the mix of housing in a development are appropriate and align with the need of the area. The mix of the housing was described in the introduction and comprises one, two and three bedroom bungalows and houses on a social rented and intermediate rent basis. Policy TAI 15 further requires that part of the proposed development is provided for affordable housing purposes and in Gwalchmai this equates to 20% of the overall number of units which equates to 2 units. As explained in the consultation section of this report the council's Housing Service have confirmed that the mix of the proposed development is acceptable.

The community council have questioned the need for housing development in Gwalchmai. The council's JPPU have confirmed that over the period of the JLDP that 40 residential units would be expected to be constructed in Gwalchmai with twelve of these units on windfall sites such as this, further that this capacity currently exists such that the development is acceptable in these terms. On this basis a Language Statement would currently not be required in connection with the proposal under the provisions of policy PS 1 as the number of units proposed would not exceed the indicative housing provision for Gwalchmai.

**Relationship with its Surroundings** The proposal should comply with guidance in the council's SPG Design in terms of the proximity of development to prevent overlooking and other unacceptable impacts on existing properties adjacent. Based on this guidance and the circumstances of the site which includes the presence of an outbuilding on the boundary with an adjacent property it is considered that the relationship of the development with surrounding residential properties is considered acceptable. The assessment includes consideration of the impact on Ysgubor Esgob at a lower level and amended plans were submitted providing additional landscaping and setting the proposed fencing back from the boundary of this existing property to mitigate impacts of the development. There are also existing trees and hedges on the boundary between Ysgubor Esgob and the development which will screen view between the existing and proposed development. Any impacts on retaining structures along the boundaries would be a civil provision which could be subject to the Party Wall Act and an informative on this basis has been recommended.

To mitigate the impact of construction work on the amenities of adjacent residential properties a Construction Environmental Management Plan "CEMP" has been recommended as part of the planning conditions, this will regulate matters such as working hours, dust and noise.

The community council state that the proposed development is out of character with the existing estate at Llain Delyn which are all single storey. As explained in the introduction of the report there are also two storey properties in the immediate vicinity and on this basis the proposal which comprises a mixture of houses and bungalows is considered to accord with the character and appearance of this part of Gwalchmai Uchaf and therefore in alignment with material planning policies including PCYFF 2 and PCYFF 3.

**Highway Considerations and Sustainable Transport** Concerns have been received from the community council in relation to the adequacy of the access to the development in the construction and the operation of the development being applied for and the number of parking spaces proposed for the one bedroom dwellings. Concern is also expressed in objections regarding the potential obstruction and safety implications of any usage of the private access leading from the doctor's surgery at Crown Street for construction traffic purposes.

The council's Highways Section having considered these objections and raise no objections to the proposal. In terms of the potential impacts of construction on the Llain Delyn Estate and the track leading from Crown Street a Construction Traffic Management Plan is recommended whereby the matters such as routing and parking will need to be agreed, and the development thereafter will need to be constructed in accord with these details.

In terms of parking numbers being inadequate PPW 10 advocates the use of maximum as opposed to minimum standards and one space is considered adequate for these house types. The application site is also located in a service village under the provisions of policy TAI 3 which provide the service needs of their population and the hinterland which will be accessible by walking. The development is also located on the main bus service from Holyhead to Bangor and the application site is considered to be located in a sustainable location on the context of Anglesey such that services will be accessible by non-car modes.

**Ecology and Biodiversity** The planning application is accompanied by an ecological assessment which consider the effects of the development on protected species and includes mitigation measures in the construction and following the completion of the development. As detailed in the consultation response the council's Ecological and Environmental Adviser is satisfied with the proposed development subject to planning conditions to mitigate the presence of protected species such as slow worms and bats.

The provision of bat boxes on the houses and the landscaping scheme proposed particularly along the western boundary as detailed in the comments of the EEA would include indigenous species would provide an enhancement of the type required under the Environment (Wales) Act 2016 as

**Other Matters** Policy ISA 5: of the JLDP requires that new housing proposals for 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed development, will be expected to provide suitable open space provision in accord with the policy. Comments are provided by the JPPU which indicate that the green area provided as part of the development will meet the identified deficiency and a legal agreement has been recommended to ensure that this area is retained and maintained for these purposes. In response to the comments of the community council the applicant has confirmed that the green open space will be maintained by way of a management and maintenance agreement whereby residents of the development would be collectively responsible for the area. No play equipment will be provided in the area. Any anti-social behaviour would need to be controlled by the police and is it is not a consideration which leads to an objection in planning terms. Fencing and landscaping around the area would also regulate any impact on the residential amenities of adjacent residential properties and these matters would be controlled via a planning condition.

In terms of foul drainage Welsh Water are content for foul drainage to be discharged to the public sewer at the point specified in their comments. The routing of this foul drainage connection is via the private

track leading from Crown Street which serves a number of residential properties and is Public Right of Way. Consideration of the construction impacts of the development on these interests will be secured by way of the CEMP recommended in the planning conditions.

Surface water drainage would be disposed of via a blanket soak-way and the council's drainage advisers consider that these arrangements are acceptable.

The impact of additional residents from the development on the local primary school and the nearby doctor's surgery are raised by the community council. As explained in the consultation section of this report the education service are content subject to the requirement for a financial contribution towards accommodating additional pupils estimated to be generated by the development. The Betsi Cadwaladr University Health Board were also consulted and they do not consider that a development of 10 houses will impact adversely on the local health services.

## **Conclusion**

In summary the proposal for 10 residential units on this windfall site aligns with material policies and is acceptable having weighted the material considerations described in the report. In reaching this conclusion the comments of the community council and objections received have been assessed but do not lead to a recommendation of refusal.

## **Recommendation**

That planning permission is approved subject to the completion of a legal agreement containing the following obligations.

Education – A financial contribution of £22, 049.58 towards accommodating the additional pupils estimated to be generated by the development at Ysgol y Ffridd, Gwalchmai.

Affordable Housing – That plots 1 and 2 of the development hereby approved are provided for social rented tenure.

Open Space – The areas identified on the proposed plan as an Open Space shall be provided for use for these purposes in accordance with a timetable to be approved in writing by the local planning authority and thereafter retained for these purposes. The maintenance and long term management of this green open space shall be in accordance with the management & maintenance agreement provided under cover of the agent's email of the 27.03.19.

Thereafter that planning permission is granted subject to the following planning conditions.

**(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.**

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

**(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:**

**Location Plan A-01-01 rev 02**

**Proposed Site Layout A-01-02 rev 09**

**2P1B Bungalow Elevations A-31-02 rev 03**

**2P1B Bungalow Floor Plan A-31-01 rev 01**

**2P1B Kitchen and Bathroom Plan A-31-03**

**3P2B Bungalow Elevations A-30-02 rev 02**

**3P2B Bungalow Floor Plan A-30-01**

**3P2B Bungalow Kitchen and Bathroom Layouts A-30-03**

**4P2B House Elevations A-32-02 rev 02**

4P2B Kitchen, Bathroom and WC/SH Layouts A32-03  
4P2B Semi Detached Dwelling Floor Plans A-3201  
5P3B House Elevations A-33-02 rev 02  
5P3B Kitchen, Bathroom and WC/SH layouts A-33-02  
5P3B Semi Detached Dwelling floor plans A-33-01  
Blanket Soakaway Plot 5&6 11/09/18  
Blanket Soakaway Plot 3&4 11/09/18  
Blanket Soakaway Plot 1&2 11/09/18  
Crate soakaway calculations Gwalchmai 18/09/18  
Crate soakaway calculations Plots 7-10 for Gwalchmai 18/09/18  
1809-2018 (blanket soakaway details)  
Email 13/04/2019 Alun Owen  
Preliminary Ecological Appraisal (September 2018)  
Yorke Associates Ecological Consultants  
Water Conservation Statement September 2018 A.L.I. Building Design Ltd

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

**(03) Notwithstanding the details shown on drawing number A-01-02 rev 09 no development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The proposed development shall be constructed with the approved slab and ground levels.**

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

**(04) No development shall commence until full details of all external materials (including roofing materials) and finishes (which shall include such details for all building(s)), Hard Landscaped Areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved. Hard Landscaped Area means drives, paths and other permeable or hard surfaced areas.**

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

**(05) The provisions of Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any amendment or Order re-voking or re-enacting that Order) are hereby excluded on plots 1, 2, 3, 4, 5 and 6.**

Reason In the interests of the amenities of the existing residential properties in proximity.

**(06) Notwithstanding the details shown on drawing number A-01-02 rev 09 no development shall take place until a scheme indicating all of the proposed means of enclosure around and within the application site whether by means of walls or fences and a timetable for the construction or erection thereof has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed or erected in accordance with the details approved under the provisions of this condition and shall thereafter be retained in the lifetime of the development hereby approved and any replacement wall or fencing shall be to an equivalent specification.**

Reason To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to protect the amenities of adjacent residential properties.

**(07) No development shall take place until a scheme of landscaping and tree planting for the site which provides for the retention of existing trees and hedges has been submitted to and approved**

in writing by the Local Planning Authority. The landscaping scheme shall show the proposed planting, including species, size and density and distinguish those trees and hedges to be retained showing their species, spread and maturity together with measures for their protection in the course of development. The approved new planting shall be implemented no later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. The approved protection measures shall be implemented prior to the commencement of development.

Reason In the interests of visual amenities and biodiversity of the locality.

**(08) Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.**

Reason In the interests of visual amenities of the locality

**(09) The application site shall be developed strictly and entirely in accord with the Preliminary Ecological Appraisal (September 2018).**

Reason: In the interests of ecology.

**(10) No development shall commence until a Construction Environmental Management Plan "CEMP" has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development and, as a minimum, shall include detail of:**

- The sustainability of the construction methods to be employed;
- Full specification(s) of external lighting (if any)
- Working hours during the construction
- Dirt and dust control measures and mitigation
- Noise, vibration and pollution control impacts and mitigation;
- Water quality and drainage impacts and mitigation.
- Precautionary reasonable avoidance measures "RAMS" for protected species.
- Existing hedge and tree protection measures.
- Height, specification and colour of safety all fencing and barriers to be erected in the construction of the development hereby approved.
- Monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards.

**The development hereby approved shall be undertaken in accordance with the approved CEMP.**

Reason: To safeguard against any impact the construction of the development may have on the environment, landscape, local ecology and local amenity.

**(11) The commencement of the Development shall not take place until there has been submitted to and approved in writing by the LPA, a Construction Traffic Management Plan "CTMP". The CTMP shall include:**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on access routes to the site, particularly in regard to nearby schools;**
- (iii) Measures to minimise and mitigate the risk to road users especially along the existing Llain Delyn Estate and the private track within the south western part of the applications site including non-motorised users;**

- (iv) The arrangements to be made for on-site parking for personnel working on the site and for visitors;**
- (v) The arrangements for loading and unloading and the storage of plant and materials;**
- (vi) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the development shall be completed in accordance with the approved CTMP.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(12) 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 order to ensure that the development does not lead to any road / parking problems.

**(13) The estate road(s) hereby approved 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 of the development whichever is the sooner.**

Reason In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

HA1 The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development.

HA2 Any adjustments, re-siting and/or protection of any statutory services in the highway shall be his responsibility and carried out at his own expense.

HA3 The footway and/or verge crossing required in connection with this development shall be carried out at his expense by the Highway Authority, their Agents or other approved Contractor before the access is brought into use and completed before the use is commenced.

HA5 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.

Welsh Water have indicated that there is the possibility that there is an uncharted public sewer crossing into the application and that an easement of 3 metres may be required. You are advised to contact Welsh Water to discuss this matter.

**(14) The estate road(s) and its access shall be designed and constructed in accordance with 'Residential Road Adoption Specification Requirements, Anglesey' (copy attached to this decision notice).**

Reason In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

**(15) Development work will not commence until the arrangements for the provision of a management and maintenance scheme regarding the road system, the footpaths and the surface water drainage system for the lifetime of the development have been submitted to and approved in writing by the local planning authority. Such details must include the adoption arrangements by any public authority or statutory undertaker or other arrangements to ensure that the plan will be implemented and maintained throughout its lifetime.**

Reason: In order to ensure satisfactory and safe development.

**(16) The site shall not be occupied until a sustainable drainage system for the site has been completed and fully operational in accordance with the drainage details shown on the drainage design drawing presented on 08/04/2019 (ref: Adjacent Llain Delyn, Gwalchmai 1809-2018).**

Reason To ensure that the surface water drainage system is satisfactory and operational.

**(17) Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at/ or downstream of manhole chamber reference SH39752801 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

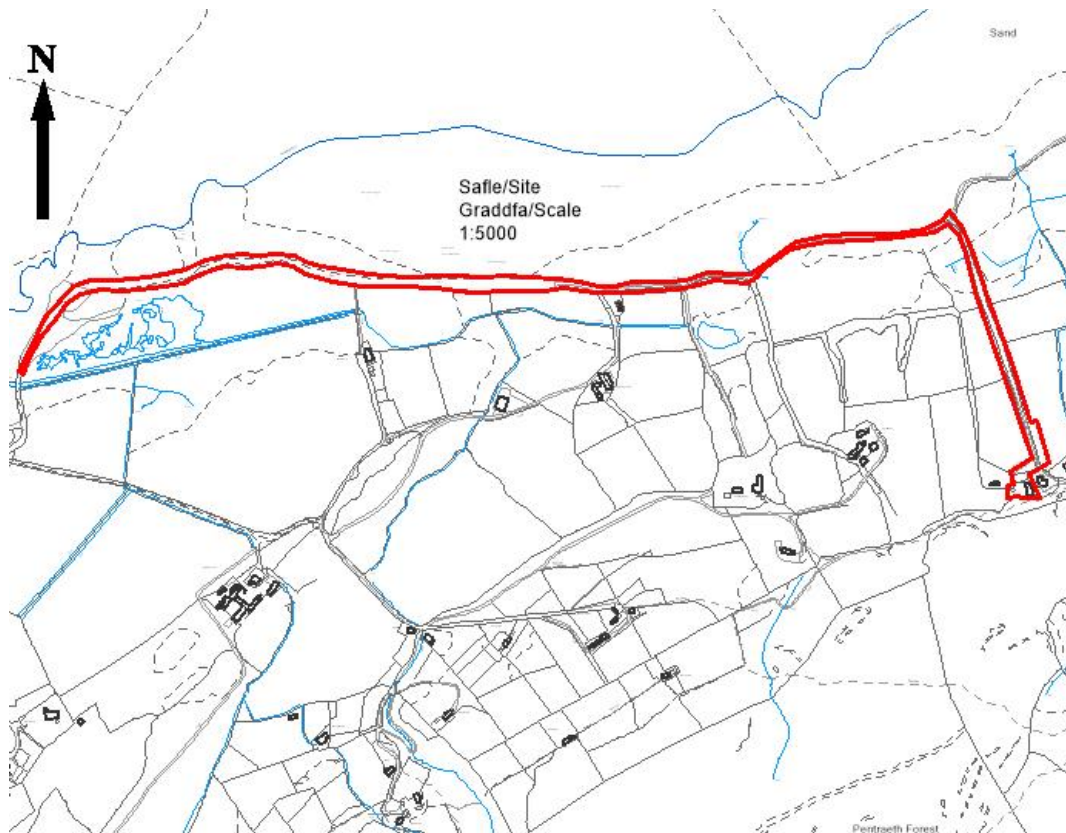
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference:** FPL/2019/31

**Applicant:** Mr & Mrs A Davies

**Description:** Cais llawn ar gyfer newid defnydd adeilad allanol yn uned gwyliau ynghyd a gosod tanc septig newydd yn / Full application for the conversion of an outbuilding into a holiday letting unit together with the installation of a new septic tank at

**Site Address:** Ty Mawr, Pentraeth



**Report of Head of Regulation and Economic Development Service (Sion Hughes)**

**Recommendation:** Gwrthod / Refused

**Reason for Reporting to Committee**

The application was called in to committee by Councillor Ieuan Williams to ensure policy compliance.

At the committee meeting held on the 1st May, 2019, it was resolved that a site visit was required. The site visit took place on the 15th May, the Members are now aware of the site and its settings.

**Main Planning Considerations**

At its meeting held on the 5th June, 2019 the Committee resolved to approve the application contrary to officer recommendation. The recorded reasons being as follows:



The proposed development is justified and complies with Policies TWR 2 of the Joint Local Development Plan and TAN 23:Economic Development (2014) and will provide economic benefit to the area.

In such circumstances paragraph 4.6.12.1 of the Council's Constitution requires that:

"Where the Committee are mindful to either approve or refuse a proposed development contrary to an Officer recommendation, the item shall be deferred until the following meeting so as to allow the officers to report further on the matter. The Committee must set out the reasons for wishing to decide against the officer recommendation. Committee members should adhere to these Rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified. A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file. Where deciding the matter contrary to the recommendation may risk costs on appeal the Committee will take a recorded vote when deciding the application irrespective of the requirements of paragraph 4.1.18.5 of the Constitution."

Paragraph 4.6.12.2 requires that;

"The officer's further report shall detail the reasons put forward by the members, indicate whether such reasons are, in their view, genuine and material planning reasons and discuss the land use planning issues raised."

This report will therefore give consideration to these matters;

i) The proposal complies with all relevant conversion policies.

The following policies would be classed as relevant for conversion applications:

TWR 2 of the Anglesey and Gwynedd Joint Local Development Plan.

The policy states that the conversion of existing buildings into self-serviced holiday accommodation will be permitted providing they are appropriate in scale considering the site. The proposal is highly inappropriate in scale which retains only 377m<sup>3</sup> of the existing building whilst building an additional 409m<sup>3</sup> in order to make the building viable for use as a 4 bedroom holiday unit. These figures clearly show the scale of the proposal eclipses that of the existing building and thus highlighting the gross non-conformity with the policy. The proposal would also be inappropriate in the context of the location, as the mass of the building would dominate in the cluster of properties. This cluster of properties includes a recently approved replacement dwelling and two other dwellings; one of which being a small bungalow and the other a two storey traditional farmhouse. The mass of the proposal would be far greater than any of the properties within the cluster due to the excessive length and height the proposed extensions would add.

Technical Advice Note 23: Economic Development (2014)

Section 3.2 of TAN 23 relates to the re-use of existing rural buildings and states a positive approach to conversion is expected on the basis the following criteria is met:

- they are suitable for the specific use;
- conversion does not lead to dispersal of activity on such scale as to prejudice town and village vitality;
- their form, bulk and general design are in keeping with their surroundings;
- imposing conditions on a planning permission overcomes any planning objections, for example on environmental or traffic grounds, which would otherwise outweigh the advantage of re-use;
- if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and / or architectural interest.

The previous figures are a clear indication that the building is not suitable for use as a 4 bedroom holiday unit as it would require extensions to be added to the building that would far eclipse the mass of the building to be retained. Accompanying reports have demonstrated the building is suitable for conversion however; the manner in which the applicant proposes to do so is unsuitable. The Authority would support an application for conversion of the building which requires less extensions that would be respectful in scale to the proportion of the building to be retained.

The building lies in the open countryside and requires major reconstruction which includes demolition of a large proportion of the existing building together with erecting 409m<sup>3</sup> of extensions and retaining only 377m<sup>3</sup> of the original building. The above would constitute major reconstruction of the building and therefore clearly contrary to the policy.

The Authority Heritage Advisor identified the building is not Listed, however is of local architectural and historical interest having been on the site before 1840. In light of the Heritage Advisors comments and in line with the latter points raised in TAN 23 it is the officers opinion that the demolition required under the scheme would see the loss of local historical and architectural interest identified by the Heritage Advisor. The large-scale increase in mass to the building would drastically alter the character of the building, resulting in the loss of its original character.

Supplementary Planning Guidance: Replacement Dwellings and Conversions in the Countryside.

The Authority SPG states the following:

'8.1 In the context of Policy TWR 2 together with Policy TAI 7 the building intended for conversion for alternative use should be suitable for the proposed use. No extensive extensions should be required to enable the development, the building in its current form (in terms of size) should be suitable.

8.2 Where it is possible to receive a strong justification, it will be possible to justify small additions in size as long as these additions have been designed in a way that is sensitive and in keeping with the original building. Any extensions should add value to the building in terms of architectural design as well as a wider contribution to the local environment.

8.3 Any addition should be fit for purpose and should not be an aspiration by the applicant to add luxury (e.g. play room, additional bedroom). The types of extensions considered to be suitable include a small foyer or small extension to the walls to create more practical space within the essential rooms (e.g. kitchen and bathroom)'

As previously stated, the building is not suitable for a 4 bedroom holiday unit as it requires extensive extensions to enable the building to be suitable. Whilst it is noted there is demand for holiday units to sleep larger groups, this is not a justification for such a large extension and as stated in the policy the building is not suitable for this many bedrooms. The extensions are an aspiration by the applicant to add luxury by providing additional bedroom which the building cannot provide in its current form or with a small extension.

ii) The proposed development would provide economic benefit for the area.

It is accepted that the proposal would provide economic benefit for the area; however, this economic benefit would still be present if the scale of the extension would be reduced to something acceptable in policy terms. The conversion of rural outbuilding to self serviced holiday accommodation is widely accepted and encouraged due to the economic benefit they bring but it must be done so in a manner that complies with policy, which this proposal does not due to the massive increase in scale.

## **Conclusion**

The scheme would require major reconstruction and alterations which is contrary to national and local conversion policies and guidelines. Whilst the principle of conversion is widely accepted, the mode in which the scheme proposes to do so is considered unsympathetic and excessive. There is no objection to the conversion of the building and the department would be happy to support an application for a proposal which includes significantly smaller extensions which are respectful to the existing building. Due to the above mentioned issues and failure to take into account the reason for the previous refusal, the application is recommended for refusal. The approval of this application will set a dangerous precedent for future applications and inhibit the department's ability to enforce the relevant national and local conversion policies and guidelines.

## **Recommendation**

(01) The proposed conversion and associated alterations by virtue of their size and scale would detract from the character of the existing building and appearance of the location which is identified as a designated Area of Outstanding Natural Beauty. The proposal as such would be contrary to PCYFF3, PCYFF 4 and TWR 2 of the Gwynedd and Anglesey Joint Local Development Plan, Technical Advice Note 12: Design (2016), Technical Advice Note 23: Economic Development (2014) and Supplementary Planning Guidance: Design Guide for the Urban & Rural Environment.

This page is intentionally left blank

**Planning Committee:** 03/07/2019

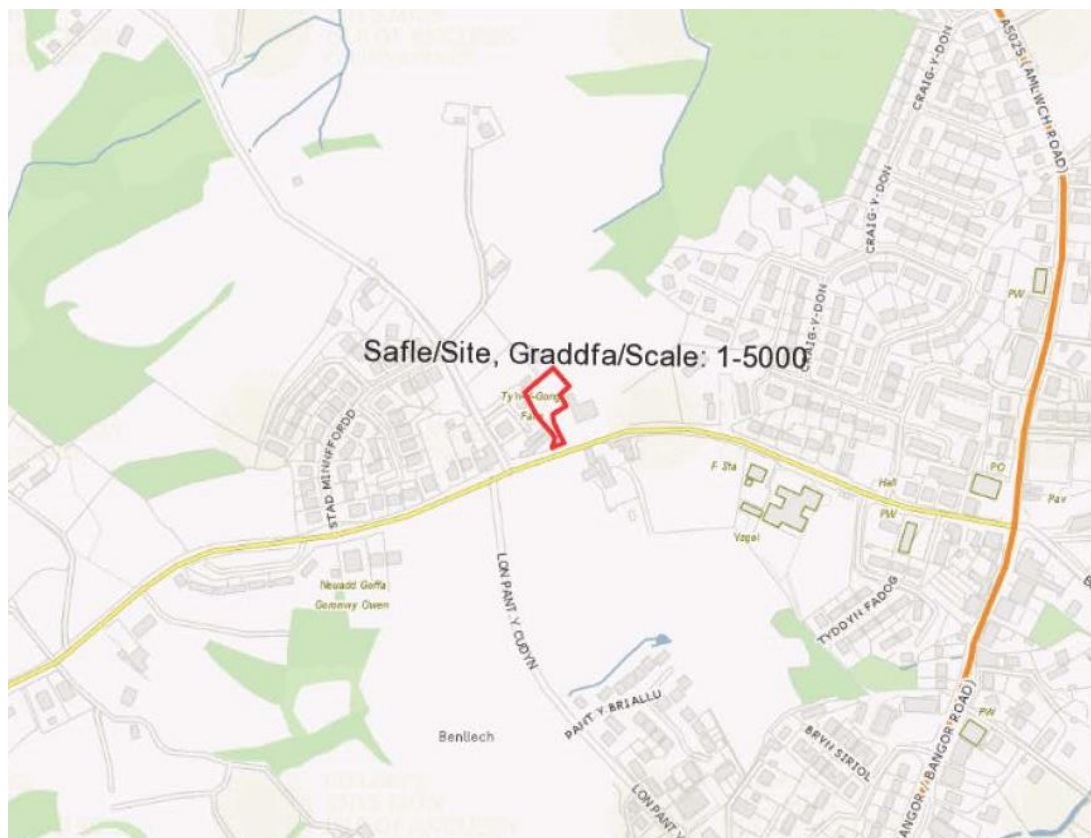
**10.1**

**Application Reference:** VAR/2019/5

**Applicant:** Mr A Chilton

**Description:** Cais dan Adran 73A i amrywio amodau (09), (10) a (11) o ganiatâd cynllunio 30C246K/VAR (cais dan Adran 73 i amrywio amodau er mwyn symud lleoliad un annedd) fel y gellir cyflwyno manylion ynglŷn â draenio dŵr wyneb, cynllun rheoli traffig a manylion ar gyfer cynnal a chadw'r system ddraenio yn dilyn cychwyn y datblygiad ar dir ger / Application under Section 73A for the variation of conditions (09), (10) and (11) of planning permission 30C246K/VAR (application under Section 73 for the variation of conditions so as to move the location of one dwelling) so as to allow for the submission of details regarding , surface water drainage, a traffic management scheme and drainage system maintenance details following the commencement of the development on land adjacent to

**Site Address:** Tyn Pwll, Benllech



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is being presented to the Planning and Orders Committee as the application 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 site is located in the Cluster of Tynyngogl near Benllech.

## Key Issues

The key issue in this case is the whether adequate drainage and traffic management arrangements are in place.

A fallback position (extant consent) exists, however the development has commenced without discharging conditions. This application therefore seeks to regularise the situation such that the details may be submitted and agreed post commencement, however the subsequent change in policy following the adoption of the Joint Local Development Plan is a material factor which must be taken into account.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TAI 6: Housing in Clusters  
Planning Policy Wales (Edition 10, December 2018)  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TAI 6: Housing in Clusters  
Planning Policy Wales (Edition 10, December 2018)  
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 Vaughan Hughes	No Response
Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	No Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Approve.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	The drainage plans presented appear sufficient to manage surface water run-off from the proposed development.
Dwr Cymru/Welsh Water	No objection to revised drainage arrangements.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection. The submitted CTMP is acceptable and satisfies the requirements of the condition and the details submitted is sufficient to demonstrate that no surface water will discharge onto the public highway in compliance with condition (09).

The application was afforded three means of publicity. These were by the posting of notices near the site, the serving of personal notification letters on the occupiers of the neighbouring properties together with an advert in the local press. The latest date for the receipt of representations was the 22/02/2019. At the time of writing this report no representations had been received.

### **Relevant Planning History**

30C246A - Cais amlinellol ar gyfer codi annedd ar dir ger / Outline application for the erection of a dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatáu/Granted 9.2.07

30C246C/DA - Cynlluniau manwl ar gyfer codi annedd ar dir ger / Detailed plans for the erection of a dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatáu/Granted 28.9.10

30C246D - Cais amlinellol gyda rhai materion wedi ei gadw yn ol ar gyfer codi 2 annedd ar dir ger / Outline application with some matters reserved for the erection of 2 dwellings on land adj Ty'n Pwll, Tynyngogl. Caniatáu/Granted 16.11.12

30C246E - Cais amlinellol gyda rhai materion wedi ei gadw yn ol ar gyfer codi 1 annedd ar dir ger / Outline application with some matters reserved for the erection of 1 dwelling on land adj Ty'n Pwll, Tynyngogl. Caniatáu/Granted 15.5.13

30C246F/VAR - Amrywio amod (02) o ganiatad cynllunio rhif 30C246E er mwyn caniatáu blwyddyn arall i gyflwyno cais materion a gadwyd yn ôl yn/Variation of condition (02) of planning application reference 30C246E so as to allow a further 1 year to submit a reserved matters application at Ty'n Pwll, Tynyngogl. Caniatáu/Granted 10.11.15

30C246G/VAR - Amrywio amod (02) o ganiatad cynllunio rhif 30C246D er mwyn caniatáu blwyddyn arall i gyflwyno cais materion a gadwyd yn ôl yn/Variation of condition (02) of planning application reference 30C246D to allow a further 1 year to submit a reserved matters application at Ty'n Pwll, Tynyngogl. Caniatáu/Granted 10.11.15

30C246H - Cais llawn i godi tri annedd sydd yn cynnwys balconi Juliet, codi modurdy ynghyd ag addasu y mynedfa presennol ar dir ger / Full application for the erection of three dwellings which include a Juliet balcony, erection of a garage together with alteration - Tyn Pwll, Tynyngogl Caniatáu/Granted 3.11.16

30C246J/SCR - Barn sgrinio ar gyfer codi tri annedd sydd yn cynnwys balconi Juliet, codi modurdy ynghyd ag addasu mynedfa presennol ar dir ger / Screening opinion for the erection of three dwellings which include a Juliet balcony, erection of a garage together with the alterations to the existing access on land adjacent to Tyn Pwll, Tynyngogl AEA ddim ei angen/EIA not required 8.7.16

30C246K/VAR - Cais o dan Adran 73 i ddiwygio amod (12) o ganiatad cynllunio rhif 30C246H (codi tri annedd) er mwyn symud lleoliad un annedd (P1) ar dir gyferbyn a / Application under Section 73 for the variation of condition (12) of planning permission reference 30C246H (erection of three dwellings) so as to move the location of one dwelling (P1) on land opposite Tyn Pwll, Benllech. Caniatáu/Granted 13.3.18

### **Main Planning Considerations**

The principle of the development in this location has already been established under planning permission reference 30C246H and subsequently varied under planning permission reference 30C246K/VAR and which remain extant. Furthermore the development has commenced and is by this time at an advanced stage.

However, since the adoption of the Joint Local Development Plan (JLDP), Tynyngogl is now identified as a Cluster where any new dwelling must be for affordable local need on an infill site. The application is therefore contrary to policy TAI 6 of the JLDP; however a fallback position exists since the development benefits from an extant planning permission for the erection of 3 dwellings and which is at an advanced stage of construction.

Condition (02)....

Condition (09) of planning permission 30C246K/VAR states: *'No surface water from within the curtilage of the site to discharge onto the county highway. No development shall commence until full design details for the drainage of the site have been submitted to and approved by the Local Planning Authority. No*

*dwelling shall be occupied until the approved scheme has been implemented in full to the written satisfaction of the Local Planning Authority.'*

Condition (10) of planning permission 30C246K/VAR states: *'No development shall commence until the written approval of the local planning authority has been obtained in relation to a full comprehensive traffic management scheme including:*

- 1. the parking of vehicles for site operatives and visitors*
- 2. Loading and unloading of plant and materials*
- 3. Storage of plant and materials used in constructing the development*
- 4. Wheel washing facilities (if appropriate)*
- 5. Hours and days of operation and the management and operation of construction delivery vehicles.*

*The works shall be carried out strictly in accordance with the approved details.*

Condition (11) of the permission states: *'Full details of a management plan to secure the future maintenance of the drainage system for the site hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwellinghouses. The development shall thereafter proceed in accordance with the approved details.*

The current application is seeking to vary the above conditions so as to enable the details to be submitted and approved following the commencement of works. The details required by the above conditions has been provided and assessed as part of the application.

The submitted details are acceptable and satisfy the requirements of the conditions retrospectively.

Approval of an application under Section 73A effectively involves the grant of a new permission for the development and notwithstanding that due to the subsequent change in policy since the original permission was granted such that the development is now considered to be a departure from adopted policies, a fallback position nevertheless exists and the fundamental issues in this case relate to drainage and traffic management matters.

## **Conclusion**

Notwithstanding that the commencement of works without first discharging the above conditions constitutes a breach of the conditions and that it is open to the Local Planning Authority to take formal enforcement action by way of the issuing of a Breach of Condition Notice, approval of the current application will serve to achieve the same result.

The details required by the conditions have been submitted as part of the application and following consultation with the relevant department and agencies, have been found to be acceptable and satisfy the requirements of the original conditions and satisfactorily resolve the situation and is therefore considered acceptable.

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.

## **Recommendation**

**(01) No surface water and/or land drainage shall be allowed to connect directly or indirectly with 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 pollution of or detriment to the environment.

**(02) 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.

**(03) 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 the interests of residential and visual amenity.

**(04) 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.

**(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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(06) 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**(07) 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.

**(08) The development shall be carried out strictly in accordance with the submitted Construction Traffic Management Plan (April 2018).**

Reason: To ensure reasonable and proper control is exercised over construction and demolition traffic and construction activities in the interests of highway safety.

**(09) The drainage systems hereby approved shall be managed and maintained in accordance with the submitted Maintenance and Management Plan (Datrys, May 2019) for the lifetime of the development.**

Reason: In order to ensure that the development is adequately drained.

**(10) 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.**

- 16116/S104 Rev. C: Proposed Drainage Layout Section 104
- Traffic Management Plan, April 2018
- Maintenance and Management Plan, Datrys May 2019

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, TAI 6.

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/2019/30

**Applicant:** Mr & Mrs Turnbull

**Description:** Cais o dan Adran 73A i ddiwygio amod (04)(Cynlluniau a gymeradwywyd) o ganiatâd cynllunio rhif 30C755B/DEL (Cais i dynnu amodau (09), (10) a (11)(Cod am Cartrefi Cynaliadwy) ac i ddiwygio amod (08)(deunyddiau) o ganiatad cynllunio rhif 30C755 (Cais amlinellol i codi annedd) er mwyn ail-leoli'r annedd, diwygio'r dylunaid ac ychwanegu ystafell haul yn / Application under Section 73A for the variation of condition (04)(Approved Plans) of planning permission reference 30C755B/DEL (Application for the removal of conditions (09), (10) and (11)(Code for sustainable homes) and variation of condition (08)(materials) of planning permission 30C755 (Outline application for the erection of a dwelling)) so as to re-position the dwelling, amend the design and add a sun room at

**Site Address:** Min y Ffrwd, Minffrwd, Brynteg



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Caniatáu / Permitted

**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 on the outskirts of the Cluster of Brynteg along the road leading to Maenaddwyn and Llanerchymedd.

The application is submitted to vary conditions of previous permissions so as to allow for the re-positioning of the dwelling, amendments to the design and the addition of a sun room.

## 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

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 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 TRA 2: Parking Standards

Policy TRA 4: Managing Transport Impacts

Policy ISA 1: Infrastructure Provision

Policy TAI 6: Housing in Clusters

Planning Policy Wales (Edition 10, December 2018)

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
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observations.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments.
Swyddog Llwybrau / Footpaths Officer	No comments.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No Response
Cynghorydd Vaughan Hughes	No Response

Cynghorydd Ieuan Williams	No Response
Cynghorydd Margaret Murley Roberts	No Response
Cyngor Cymuned Llanfair Mathafarn Eithaf Community Council	Approve.
Dwr Cymru Welsh Water	No objection - comments.

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 10/06/2019.

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

### Relevant Planning History

30C755 – Outline application with all matters reserved for the erection of a dwelling on land at Min Y Ffrwd, Brynteg – Granted 14.10.13

30C755A - Application for reserved matters for the erection of a dwelling, construction of a vehicular access together with connection to existing treatment plant at Min y Ffrwd, Minffwrdd, Brynteg Granted 23.11.16

30C755B/DEL - Application under Section 73 for the removal of conditions (09), (10) and (11) (Code for Sustainable Homes) and variation of condition (08) (materials) from planning permission reference 30C755 (Outline application for the erection of a dwelling) on land at Min y Ffrwd, Brynteg Granted 3.5.18

### Main Planning Considerations

The principle of a dwelling has already been established in this location under planning permissions 30C775, 30C775A and 30C755B/DEL. The permission has been implemented and the dwelling is at an advanced stage of construction.

However, since the adoption of the Joint Local Development Plan, Brynteg is now identified as a Cluster under policy TAI 6 of the JLDP where any new dwelling must be for affordable local need on an infill site.

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 with the dwelling at an advanced stage of construction, it is therefore a question of whether the proposed amendments represent an improvement to the scheme previously approved.

The proposed amendments include:

- The re-positioning of the dwelling 6m to the North East
- Amendments to doors and windows (including dormer windows and roof lights).
- The addition of a sun room to the South West elevation (facing highway).

The siting of the original dwelling was set forward of the adjacent dwelling by approx. 7m, the re-siting of the dwelling 6m to the North East will result in the proposed dwelling being sited roughly in line with the

adjacent dwelling and is in the opinion of the Local Planning Authority an improved layout to that which was previously granted.

The proposal also involves amendments to doors and windows and the addition of a sun room to the South West elevation. The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

### **Conclusion**

The application is contrary to Policy TAI 6 of the JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which has been implemented with the dwelling now being at an advanced stage of construction.

The proposed re-siting, amendment to doors and windows and addition of a sun room 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) The car parking accommodation shall be completed in full accordance with the details as shown on the submitted plan drawing reference A.02 Revision D 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.

**(02) The turning area shall be completed in full accordance with the details as shown on the submitted plan drawing reference A.02 Revision D before the use hereby permitted is commenced and thereafter retained solely for those purposes.**

Reason: To enable vehicles to draw off and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

**(03) 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.

**(04) 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:**

- **A.01 Revision D: Proposed Plans and Elevations (Plot 1)**
- **A.02 Revision D: Site Layout - PLOT 1**

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, TRA2, TRA4, ISA1, TAI6.

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.

This page is intentionally left blank



**Planning Committee:** 03/07/2019

11.1

**Application Reference:** FPL/2019/145

**Applicant:** Mr Richard Rogers

**Description:** Cais llawn ar gyfer codi sied amaethyddol ar gyfer cadw anifeiliad yn / Full application for the erection of an agricultural shed to house livestock at

**Site Address:** Fferm Cefn Dderwen, Brynsiencyn



## **Report of Head of Regulation and Economic Development Service (Owain Hughes)**

**Recommendation:** Caniatáu / Permitted

### **Reason for Reporting to Committee**

The applicant is related to a 'relevant officer' as defined within paragraph 4.6.10 of the Constitution.

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

### **Proposal and Site**

The application outside of Brynsiencyn village. The site is an existing farm enterprise.

The proposal entails the erection of an agricultural shed to house livestock.

## Key Issues

The key issues is whether the proposed development complies with the relevant planning policies and whether the proposed development may affect the neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping  
Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)  
Technical Advice Note 12: Design (2016)  
Planning Policy Wales (Edition 10, December 2018)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Eric Wyn Jones	No response
Cynghorydd Dafydd Roberts	No response
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response
Iechyd yr Amgylchedd / Environmental Health	Standard comments
Cyngor Cymuned Llanidan Community Council	No response

**Public Consultation** – The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations is the 27/06/2019. No letters of representations had been received at the time of writing this report.

### Relevant Planning History

37C170 - Newid defnydd yr adeiladau allanol i ddau fwthyn gwyliau ynghyd a gosod tanc septig newydd yn / Conversion of outbuildings into 2 holiday cottages together with the installation of a septic tank at Cefn Dderwen, Brynsiencyn Caniatau / Approved 06/11/2009

37C170A/SCR - Barn sgrinio ar gyfer lleoli melin wynt 18 metr o uchder ar dir yn / Screening opinion for the siting of an 18 metre high wind turbine on land at Cefn Dderwen, Brynsiencyn EIA Not Required 19/11/2010

37C170B/SCR - Barn sgrinio ar gyfer lleoli melin wynt 500Kw 40m o uchder gyda is-orsaf ar dir yn / Screening opinion for the siting of 40m high 500Kw wind turbine and sub-station on land at Cefn Dderwen, Brynsiencyn EIA Not Required 30/06/2011

37C170C - Cais llawn ar gyfer codi sied amaethyddol ar gyfer cadw anifeiliaid ac offer yn / Full application for the erection of an agricultural shed for the housing of livestock and machinery at Cefn Dderwen, Brynsiencyn Caniatau / Approved 12/09/2011

### Main Planning Considerations

The proposed scheme is for the erection of a new agricultural shed. The proposed shed measures 36 metre by 13 metres with a height of 6.1 metres to the ridge. This gives a total floor area of 468 metre

square. The proposed shed will be an extension to the existing shed on site. Therefore access to this shed will be via the existing shed.

The applicant has sufficient land to accommodate the proposed development. The proposed materials are also acceptable by matching with the existing sheds on site.

It is not considered that the proposed shed will impact the surrounding amenities including the nearby Area of Outstanding Natural Beauty. The site is already an established farm enterprise.

It is not considered that the proposed development will impact any neighbouring properties. The nearest dwelling lies approximately 210 metres away. However, due to the topographic level and to the existing landscape (high mature trees and hedgerows) between the site and the dwellings, it is not considered that the proposed development will impact any neighbouring properties to such a degree to warrant a refusal. At the time of writing this report, no letters of representations have been received at this department.

## **Conclusion**

The proposed development is considered acceptable to the Local Planning Authority, subject to conditions.

## **Recommendation**

**(01) The development shall begin not later than five 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 - AL001
- Proposed Site Plan - AL003
- Proposed Floor Plan - AL006
- Proposed Elevation Plan - AL008
- Planning Statement

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

**(03) The building hereby approved shall be used solely for the purposes of Agriculture, as defined by Section 336(1) of the Town and Country Planning Act 1990 (as amended) and for no other commercial or business use whatsoever.**

Reason: To ensure that the development will always be in the best interest of the agricultural industry.

**(04) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network**

**and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**  
**(v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**  
**(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**  
**(vii) The arrangements for loading and unloading and the storage of plant and materials;**  
**(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**  
**The construction of the development shall be completed in accordance with the approved plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(05) No development (including topsoil strip or other groundworks) shall take place until a**  
**a) specification for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and all archaeological work completed in strict accordance with the approved details.**  
**b) A detailed report on the archaeological work, as required by condition (a), shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.**

Reasons: To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2018 and TAN24: The Historic Environment and to ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

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: PCYFF 3

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.

**Planning Committee:** 03/07/2019

12.1

**Application Reference:** VAR/2019/14

**Applicant:** Mr & Mrs Ashworth

**Description:** Cais o dan Adran 73A ar gyfer dileu amod (08) (lefel llawr gorffenedig) ac amrywio amod (11) (cynlluniau a ganiatawyd dan cais am y materion a gadwyd yn ôl rhif 15C48J/FR/DA) o ganiatad cynllunio amlinellol rhif 15C48H (cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd i gerbydau) er mwyn galluogi diwygio gosodiad a dyluniad yr annedd a'r modurdy a ganiatawyd gynt ynghyd a codi wal amddiffyn llifogydd perimedr newydd yn / Application under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall at

**Site Address:** Cae Eithin, Malltraeth



**Report of Head of Regulation and Economic Development Service (Joanne Roberts)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

At the request of the Local Members due to concerns regarding access and land ownership issues.

## Proposal and Site

The application is submitted under Section 73A for the deletion of condition (08) (finished floor level) and the variation of condition (11) (plans approved under reserved matters application ref 15C48J/FR/DA) of outline planning permission reference 15C48H (outline application for the erection of a dwelling together with the construction of a vehicular access) so as to allow for amendments to the siting and design of the previously approved dwelling and detached garage together with the erection of a new perimeter flood defence wall.

The application site is located within the development boundary of Malltraeth which is identified as a Coastal Village in the Joint Local Development Plan.

## Key Issues

The key issues are whether the development is in compliance with local and national planning policies, and whether it is acceptable in terms of siting, design, impact upon flood risk, the character and appearance of the area and amenities of neighbouring properties.

## Policies

### Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Strategic Policy PS 17: Settlement Strategy  
Policy TAI 4: Housing in Local, Rural & Coastal Villages  
Policy TAI 15: Affordable Housing Threshold & Distribution  
Policy AMG 2: Special Landscape Areas  
Planning Policy Wales (Edition 10, December 2018)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)  
Technical Advice Note 15: Development and Flood Risk (2004)

## Response to Consultation and Publicity

Consultee	Response
Dwr Cymru Welsh Water	No comments.
Adain Dechnegol (Draenio) / Technical Section (Drainage)	As the application site is within a C2 flood zone we shall allow NRW to comment upon the flood risk aspect of the application.
Pennaeth y Gwasanaeth - Priffyrdd / Head of Service - Highways	No objection.
Cyngor Cymuned Bodorgan Community Council	No Response
Cynghorydd Bryan Owen	Request that the application be referred to the Planning Committee due to access and land ownership issues.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Awdurdod Glo / Coal Authority	The application site does not fall within a Development High Risk Area.

Cynghorydd Peter Rogers

Request that the application be referred to the Planning Committee on the grounds that there is a dispute over ownership of the land and there are further claims that the development has breached the original planning decision.

The application was afforded two means of publicity. These were by the posting of notices near the site and serving of personal notification letters on the occupiers of the neighbouring properties. The latest date for the receipt of representations was the 07/05/2019. At the time of writing this report, three letters had been received, the main points raised are summarised below:

- i. The development will increase the visual impact of the development.
- ii. The dwelling is 250mm wider, 250mm longer and 25% higher than approved.
- iii. The erection of a new flood defence wall will exacerbate the problem of visual impact still further.
- iv. The height of the dwelling impacts upon the amenities of the neighbouring property particularly as it has been built higher than the proposed plans previously approved.
- v. The proposed flood defence wall would potentially cause more problems with water to drain into the adjoining field which will make it wet for livestock unless they have adequate drainage in place.
- vi. The application relates only to the changes to the dwelling and does not relate to the issues of the access to the property. This is vital as there are land ownership issues with the access and they cannot comply with highways requirements. This should be resolved first as it stand there is no right of way for vehicles.

Points i - vi above are addressed in the main body of this report and in response to points v & vi I would comment as follows:

- vii. The dwelling is located on higher ground than the paddock to the front, therefore should a flood event occur the paddock would be affected, it is not anticipated that any flooding of the paddock, or the surrounding area would be exacerbated further as a result of the flood defence wall due to the fact that the proposed wall is to be constructed close to the dwelling.
- viii. The LPA are aware of issues relating to the access as regards a breach of condition and an ongoing land ownership dispute. Proposals have been drawn up in an effort to resolve the planning issues and a further application will be submitted pending determination of the current application. The access and driveway to Cae Eithin was approved as a separate and stand-alone permission following the grant of the original outline and reserved matters permissions in which the original access to the proposed dwelling was via the shared access drive serving Pen Parc. The development of the dwelling has been undertaken and is served by its own private access and driveway subsequently approved, but in relating to this an ongoing enforcement investigation is proceeding. However, given that the amendments to the dwelling potentially render it unauthorised, it was deemed prudent to deal with these matters first to regularise matters relating to the dwelling.

### **Relevant Planning History**

15C48 – Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 08/01/1990

15C48A - Erection of 10 starter homes on O.S 8694 & 9090, Pen Parc, Malltraeth – Refused 20/08/1990

15C48F - Outline application for the erection of 24 dwellings, comprising of 13 detached dwellings and 11 affordable dwellings together with construction and alterations to the vehicular access and the construction of a new pedestrian access on land between David St and Viaduct Road, Malltraeth – Refused 06/07/2005

15C48G – Outline application for residential development on land at Pen Parc, Malltraeth – Refused 18/06/2007

15C48H – Outline application for the erection of a dwelling together with the construction of a vehicular access on land adjacent to Pen Parc, Malltraeth – Granted 07/02/2012

15C48J/FR/DA - Application for reserved matters for the erection of a dwelling together with the construction of a vehicular access on land adjacent to - Pen Parc, Malltraeth – Granted 17/03/2015

15C48K/FR - Full application for the construction of a new vehicular access and drive at - Pen Parc, Malltraeth - Granted 25/06/2015

15C48L/MIN - Minor amendments to scheme previously approved under planning permission  
15C48J/FR/DA so as to install solar - Pen Parc, Malltraeth - Granted 23/12/2015

### **Main Planning Considerations**

The principle of a dwelling in this location has already been established under outline planning permission reference 15C48H and subsequent approval of the reserved matters under planning permission reference 15C48J/FR/DA and has since been completed and occupied.

As part of the initial outline and reserved matters permissions, it was originally intended that access to the property would be shared with Pen Parc with an access and driveway constructed from the existing driveway to Pen Parc into the plot, however planning permission was subsequently granted in June 2015 for a separate private access and driveway to Cae Eithin under planning permission reference 15C48K/FR.

The application has been submitted following an enforcement investigation relating to a breach of conditions of the above mentioned separate and stand alone planning permission for the access (ref 15C48K/FR) during which anomalies relating to the dwelling itself were identified.

The identified issues in relation to this application are:

- i. The finished floor level (FFL) of the dwelling is 170mm below the minimum level of 4.42m Above Ordnance Datum (AOD) stipulated in condition (08) of the outline permission;
- ii. The dwelling is sited some 2m further North East than approved;
- iii. The dwelling is 250mm longer and 250mm wider than approved;
- iv. Amendment to the orientation of the garage.

In addition to the above, breaches were also identified in relation to an extension to the curtilage and conditions of the planning permission for the access. Separate applications will be submitted in an effort to regularise these matters pending determination of the current application.

The current application has been called-in by the Local Members on the grounds of issues relating to the access and land ownership. The LPA acknowledge issues relating to access and land ownership, however they have little bearing in relation to this application which relates specifically to the dwelling. The private access and driveway to Cae Eithin was approved as part of a later, separate and stand-alone application and pending determination of this application, a further application will be submitted in an effort to regularise outstanding planning issues relating to the access. Whilst land ownership disputes are generally private legal matters, it is anticipated that any issues there may be in this regard will be resolved as part of the forthcoming application.

Notwithstanding that development plan policies have changed since planning permission was originally granted through the adoption of the Anglesey and Gwynedd Joint Local Development Plan, the site is nevertheless located within the development boundary of Malltraeth and Policy TAI 4: Housing in Local, Rural & Coastal Villages states that subject to the requirements of Policy TAI 15 regarding the provision of affordable housing, proposals for open market housing will be granted provided they conform to all the following criteria:



- i. That the size, scale, type and design of the development corresponds with the settlement's character,
- ii. The site is within the settlement's development boundary.

As the application relates to a single dwelling, there is no requirement to provide an element of affordable housing in this instance.

The principle of the development is therefore considered to be acceptable and in accordance with the provisions of policy TAI 4.

In relation to the specific issues that this application is seeking to regularise:

### **Finished Floor Level (FFL)**

Condition (08) of the outline permission ref 15C48H required that the finished floor level (FFL) of the dwelling be set at a minimum of 4.42m AOD to safeguard the development and future occupants from flooding for the lifetime of the development, however the actual finished floor level of the dwelling is 4.25m AOD, therefore 170mm lower than the level specified in the condition.

Prior to the submission of the application the applicant employed the services of a Flood Management Consultant and liaised with Natural Resources Wales to explore the options available to address the identified flood risk as a result of the reduced FFL.

It is proposed to construct a new perimeter flood defence wall around the property with the top of the flood defence wall set at 4.7m AOD to reflect the fact that the flood zone for the area has been reclassified from a C1 zone to a C2 zone since the initial permissions were granted. This level represents the 0.5% Annual Exceedence Probability (AEP) sea level with allowances for 100 years of climate change. From average height of the wall will be 600mm +/- approx. 200mm dependant on ground levels.

The proposed flood defence wall will be constructed close to and around the entire dwelling with a small gap in the Northern corner fitted with a flood defence guard to allow for access and egress. The wall will be finished to match the existing dwelling.

The dwelling is located approximately 118m from the highway, separated therefrom by a paddock. The lower parts of the dwelling are largely screened by existing landscape features and consequently it is not considered that the proposed flood defence wall which will be finished to match the existing dwelling will give rise to an unacceptable visual impact.

Natural Resources Wales have been consulted as part of the application and have raised no objection, indeed in light of the fact that the flood risk of the area has since been reclassified from a C1 zone to a C2 zone and that the height of the flood defence wall takes account of this, the dwelling will in fact be better protected from flooding events than would have been the case had the dwelling been constructed in accordance with the original details. In addition, given the proposed walls close proximity to the dwelling, coupled with the fact that the dwelling is located on slightly higher ground than the neighbouring property, it is not anticipated that the neighbouring property would be impacted to a significantly greater extent should a flooding event occur.

In light of the above it is therefore considered that the deletion of condition (08) is acceptable in lieu of the construction of the flood defence wall and a condition will be imposed requiring that the flood defence wall be constructed within 6 months of the date of the permission and that the dwelling shall not be occupied until it is completed and operational.

### **Siting**

The dwelling has been constructed some 2m North East of the approved position (further away from Pen Parc). It was noted during the enforcement investigation that there has been an alteration in the position of the boundary between Pen Parc and Cae Eithin such that the boundary now lies some 2m closer to

Cae Eithin than was shown on the plans submitted as part of the initial planning applications and which may account for the slight adjustment in the position of the dwelling.

It is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

### **Scale**

It was also found during the enforcement investigation that the dwelling measures 250mm longer and 250mm wider than approved.

Again, it is not considered that this slight variation, results in a development which is materially different to that which was approved or impacts upon the amenity of the area and neighbouring properties such that refusal of the application could be justified in this regard.

### **Garage**

As access to the property was initially via the existing access and driveway serving Pen Parc, the approved garage was orientated with the front gable facing Pen Parc. A separate private access and driveway was subsequently granted and as a result the orientation of the garage has been altered such that the front gable of the garage now faces the new driveway. This is considered to be an acceptable and reasonable adjustment which does not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

### **Height**

Concerns have been raised that the height of the dwelling is in breach of condition (10) of outline planning permission ref 15C48H which states that the building proposed to be erected on the site shall be of a single storey or of a dormer construction and the ridge height shall not exceed 6 metres.

It was clear from the outset, as part of the original outline application (15C48H), that as the site was located within a flood risk area, that it would be necessary to raise the original ground level in order to achieve minimum finished floor level to mitigate the risk of flooding and in accordance with NRW's requirements a condition was imposed stipulating the minimum finished floor level.

Information contained within the Design and Access Statement submitted as part of the outline application clearly stated that, in terms of the scale of the dwelling, the ridge height would be no higher than 6m from the finished floor level – not original ground level and the outline planning permission subsequently issued included a condition stipulating the minimum finished floor level together with a condition that the ridge height shall not exceed 6m.

It is therefore evident that in both the outline and reserved matters applications, that the maximum ridge height was determined from the proposed finished floor level, having regard to the necessity to increase the ground level to mitigate the flood risk and not the original ground level and it is on this basis that both applications were assessed and determined.

The original ground level has been increased by approximately 1m and the height from the new ground level to the floor is 300mm, the height to ridge from the floor level is 5.85m giving an overall height from the original ground level to ridge of approx. 7.15m.

It is noted however, that whilst condition (10) of the outline permission stipulates that the ridge height shall not exceed 6 metres, it does not however specify from where measurements ought to be taken, consequently it is not considered that the condition meets the Circular tests for conditions as regards precision and would therefore likely be unenforceable.

It is clear, based upon the plans that were submitted and subsequently approved under the reserved matters application that the overall height to ridge from the original ground level would in fact exceed 6m. Therefore, had the original intention of the condition been to limit the height of the dwelling from the original ground level, then not only should the condition have been clearer in this regard but the plans would need to have been amended to reduce its height to take account of this.

In light of the above, and notwithstanding the potential unenforceability of the condition, it is not considered that any breach of the condition has occurred.

Notwithstanding this, in terms of the impacts on the amenity of the locality and nearby residential occupiers, it is not considered that the height of the dwelling as built has an unacceptable impact such that refusal of the application could be warranted.

## **Conclusion**

The proposed flood defence wall will mitigate the flood risk to the property consequently the deletion of condition (08) of the outline planning permission is considered to be acceptable subject to a new condition requiring the wall to be constructed within 6 months and that the dwelling shall not be occupied until it is completed and operational.

The variation to the siting and scale of the dwelling and amendment to the orientation of the garage does not, in the opinion of the Local Planning Authority, lead to a development which is materially different to that which was originally granted. The amendments are considered to be acceptable and do not give rise to any detrimental impacts upon the character and appearance of the area or the amenities of neighbouring properties.

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.

## **Recommendation**

### **(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 to ensure no detriment to the environment.

### **(03) No surface water and/or land drainage shall be allowed to connect directly or indirectly with 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 pollution of or detriment to the environment.

### **(04) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.**

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.

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: PS5, PCYFF1, PCYFF2, PCYFF3, PS17, TAI4, TAI15, AMG2.

**(05) Within 6 calendar months of the date of this permission, the flood defence wall and gate shall be constructed in accordance with the details contained in the Flood Mitigation Assessment (Phil Jones Consultancy, August 2018) and details shown on drawing number 2250:19:3: Proposed Site Plan and Section. The dwelling shall not be occupied until the flood defence wall and gate have been completed and are operational.**

Reason: To safeguard the development and future occupants from flooding for the lifetime of the development.

**(06) The development hereby permitted shall be carried out in strict conformity with 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:**

- **2250:19:3: Proposed Site Plan & Section**
- **2250:19:4a: Proposed Elevations**
- **Flood Mitigation Assessment, Phil Jones Consultancy, August 2018**

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

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:** FPL/2019/98

**Applicant:** Cyngor Sir Ynys Môn

**Description:** Cais llawn ar gyfer newid defnydd yr Ystafell gymunedol bresennol yn eiddo arfforddiadwy preswyl yn / Full application for the change of use of the existing community room into an affordable residential property at

**Site Address:** Warden House, Awel Y Mor, Rhosneigr



**Report of Head of Regulation and Economic Development Service (Owain Hughes)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is submitted by the Council

## Proposal and Site

The application is situated within Awel y Môr cul-de-sac in Rhosneigr village. The building is currently being used as a community room.

This application is submitted to change the use of the building to be used as a 1 bedroom residential property. The proposed unit will also be an affordable unit.

## Key Issues

The key issues is whether the proposed development complies with the relevant planning policies and whether the proposed development may affect the neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy TRA 2: Parking Standards  
Policy TAI 5: Local Market Housing  
Policy TAI 15: Affordable Housing Threshold & Distribution  
Technical Advice Note 12: Design (2016)  
Technical Advice Note 2: Planning and Affordable Housing (2006)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)  
Planning Policy Wales (Edition 10, December 2018)

## Response to Consultation and Publicity

Consultee	Response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No observation or recommendation
Dwr Cymru Welsh Water	Comments - condition
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Bats Leaflet to be sent out.
Cynghorydd Richard Dew	No response
Cynghorydd Gwilym O Jones	No response
Cyngor Cymuned Llanfaelog Community Council	No response

The application was afforded two means of publicity. These were by the placing of a notice near the site and serving of personal notifications on the owners of neighbouring properties. The latest date for the receipt of representations was the 21/06/2019. At the time of writing this report, the department has not received any representations.

## Relevant Planning History

No site history

## Main Planning Considerations

The proposal entails the change of use of the existing community room into a 1 bedroom local market dwelling.

The proposed new property will have a large lounge, utility room, one bedroom and a bathroom. No external works are to be undertaken to the property and no new extension are to be created. The communal laundry area will remain and will not be converted into part of the property. The proposed property will have a gross internal area of 67.93 metre square. The proposed property will also have its own amenity space.

The policy requirement for Rhosneigr is that the dwelling should be a local market dwelling only. Under the Anglesey and Gwynedd Joint Local Development Plan, the trigger for requiring an affordable dwelling is where two units or more are created. As the Council submitted this planning application, a condition will be imposed on the decision notice to ensure that the dwelling will be let / sold as a local market occupancy only. It is acknowledge that the intention that it should also be an affordable dwelling, however this is not a planning requirement under the current local planning policies.

It is not considered that the proposed scheme will impact the surrounding amenities to such a degree to warrant a refusal. Policy Section, Highway Authority, Drainage Department and Welsh Water raises no concerns to the proposed development. The site is within Rhosneigr village and it is within walking distances to local amenities.

It is not considered that the proposed scheme will impact any neighbouring properties. At the time of writing this report, no letters of representations have been received at this department.

## Conclusion

The proposed development is considered acceptable to the Local Planning Authority, subject to conditions.

## Recommendation

**(01) The development shall begin not later than five 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) No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

**(03) 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 - AL.00.01
- Proposed Site Plan - AL.00.02
- Proposed Floor Plan - AL.01.02
- Proposed Elevation Plan - AL.02.02

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

**(04) The dwelling hereby approved shall only be occupied as a local market dwelling in accordance with Policy TAI 5 of the Anglesey and Gwynedd Joint Local Development Plan and the Glossary of terms.**

Reason: To ensure that the development provides an element of local market house in the locality on accord with development plan policy

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: PCYFF 1, PCYFF 2, PCYFF 3, TRA 2, TAI 5, TAI 15

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:** HHP/2019/129

**Applicant:** Mr. Dilwyn Owen

**Description:** Cais llawn i godi garej newydd ar wahan yn/Full application for the erection of a detached garage

**Site Address:** Ty Arfon, Lon Refail, Llanfairpwll



**Report of Head of Regulation and Economic Development Service (Gwenda Baynham)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is called in by a local member.

**Proposal and Site**

The site is located in the village of Llanfairpwll. The dwelling is a detached property which includes a garden area to the rear and front.

The proposal is for the erection of a garage which will be sited to the side elevation in front of the dwelling.

### **Key Issues**

The main issues of the application relate to the appropriateness of the design and scale of the garage in the general context of the village together with any effects upon residential amenity.

### **Policies**

#### **Joint Local Development Plan**

Policy PCYFF 3: Design and Place Shaping

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

### **Response to Consultation and Publicity**

**Cynghorydd Alun Wyn Mummery:** Call -in

**Cynghorydd Meirion Jones:** Declaration of Interest :

**Cynghorydd Robin Wyn Williams:** No response at the time of writing this report

**Cyngor Cymuned Llanfairpwll Community Council:** No response at the time of writing this report.

**Highways:** Condition

**Welsh Water:** Condition

**Drainage:** No objection

The application was afforded publicity by the delivery of personal letters to the occupiers of the surrounding properties together with the placing of a site notice immediately adjacent the location of the proposal. The latest date for representations to be received is the 08/06/2019, at the time of writing this report one letter have been received at this department. The letter received raised the following issues:

-height of garage

-visibility

-Electric poles.

In response to the issues raised i would like to make the following comments:

-The garage is typical in height and construction and does not raise any concern. The garage will not overbear any neighbouring properties.

-The Authority Highways department had no concern with the positioning of the garage in regards to visibility therefore it is deemed that there is no issue.

-The electricity poles are property of Scottish power therefore the ownus is upon the applicant to ensure that the development will not affect the electricity apparatus of SP.

### **Relevant Planning History**

31C386 - Full application for the erection of a two-storey dwelling together with the construction of a vehicular access on land adjacent to Min y Cae, Llanfairpwll Permitted 09/09/2011

### **Main Planning Considerations**

**Effect upon character of the area** - The scale of the garage is considered acceptable as it will not overdevelop the site or overbear upon any of the neighbouring properties. The height of the garage will not exceed that of the main body of the dwelling, thus ensuring the garage appears subservient in nature to the existing buildings on site.

**Effect upon residential amenity** - The boundary of the site is defined by a mature hedge which provides effective screening between the relevant neighbouring property. The height of the garage is significantly

less than that of the main dwelling therefore it is deemed that the proposal would not overbear the neighbouring property to an extent that would exacerbate any existing overbearing.

## **Conclusion**

Upon assessing the application against relevant policies of the Anglesey and Gwynedd Joint local development alongside Authority Supplementary Planning Guidance, the scheme is considered acceptable and therefore recommended for approval.

## **Recommendation**

**(01) The development shall begin not later than five 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 - 09/05/2019**
- **Proposed Plan - 09/05/2019**
- **Site Plan - 09/05/2019**

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

**(03) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;**

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vii) The arrangements for loading and unloading and the storage of plant and materials;**
- (viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

**The construction of the development shall be completed in accordance with the approved plan.**

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety.

**(04) The garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining dwelling known as Ty Arfon, Llanfairpwll and for no commercial or business use whatsoever.**

Reason: In the interest of amenities and highway safety

**(05) No surface water and/or land drainage shall be allowed to connect directly or indirectly with 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 pollution of or detriment to the environment.

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:

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:** FPL/2019/146

**Applicant:** Cyngor Sir Ynys Môn

**Description:** Cais llawn ar gyfer newid defnydd tir gwag i fod yn le chwarae sy'n cynnwys gosod offer chwarae yn yn / Full application for change of use of vacant land to play area which includes the installation of play equipment at

**Site Address:** Parc Peibio, Morawelon, Caergybi/Holyhead



**Report of Head of Regulation and Economic Development Service (Owain Hughes)**

**Recommendation:** Caniatáu / Permitted

**Reason for Reporting to Committee**

The application is submitted by the Council.

## Proposal and Site

The site lies east of Parc Peibio estate in Holyhead town. The proposed development is for the creation of a new park on the existing large open area. The site overlooks towards the sea.

## Key Issues

The key issue is whether the proposed scheme is acceptable and whether the proposed development will impact any neighbouring properties.

## Policies

### Joint Local Development Plan

Policy PCYFF 3: Design and Place Shaping

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Planning Policy Wales (Edition 10, December 2018)

## Response to Consultation and Publicity

Consultee	Response
Iechyd yr Amgylchedd / Environmental Health	Comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Cynghorydd Glyn Haynes	No response
Cynghorydd Robert Llewelyn Jones	No response
Cynghorydd Shaun James Redmond	No response
Cyngor Tref Caergybi / Holyhead Town Council	No response
Priffyrdd a Trafnidiaeth / Highways and Transportation	Supportive to the details submitted within the Construction Traffic Management Plan.
Ymgynghorydd Tirwedd / Landscape Advisor	No response
Swyddog Llwybrau / Footpaths Officer	No objection

The proposal was advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representation was 27/06/2018. At the time of writing this report, one letter of representations had been received at the department.

Their concerns were:

- Overlooking
- Anti-social behaviour
- Valuation of property

With respect to the above comments, I would like to comment as below:

- The site is over 20 metres from the nearest property curtilage boundary. It is considered that a distance of 20 metres is acceptable and would not form an adverse impact of overlooking.

- This application is for the creation of a new park around 23 metres to the North of the existing park. The existing park would thereafter be removed. It is not considered that this would form an adverse impact of anti-social behaviour.
- Valuation of property is not a planning consideration.

### **Relevant Planning History**

No planning history.

### **Main Planning Considerations**

The proposal entails the creation of a new play area. The existing play area on the site is to be removed. The proposed new park measures 15.18 metres by 15.62 metres.

The current play area is not within the Council owned land. The current play area equipment has reached the ends of its life. Therefore instead of renewing the existing park which is not within Council owned land, it is proposed to move this onto Council owned land. The proposed new park will have 5 new play area equipment.

It is not considered that the creation of a play area at this location would impact the surrounding amenities to such a degree to warrant a refusal. The park will be enclosed by a 1.2 metre high fence panels and post that will be removed from the existing site.

It is not considered that the proposed play area would impact any neighbouring properties. The site will be over 20 metres to the nearest dwelling. At the time of writing this report, one letter of representations had been received at this department where their concerns have been taken into consideration when making this report.

The proposed scheme can be supported by relevant planning policies.

### **Conclusion**

The proposed development is considered acceptable to the Local Planning Authority and is recommended for approval subject to conditions.

### **Recommendation**

**(01) The development shall begin not later than five 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**
- **Proposed Site Plan**
- **Proposed Play Park Equipment**
- **Construction Traffic Management Plan**

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: PCYFF 3

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.