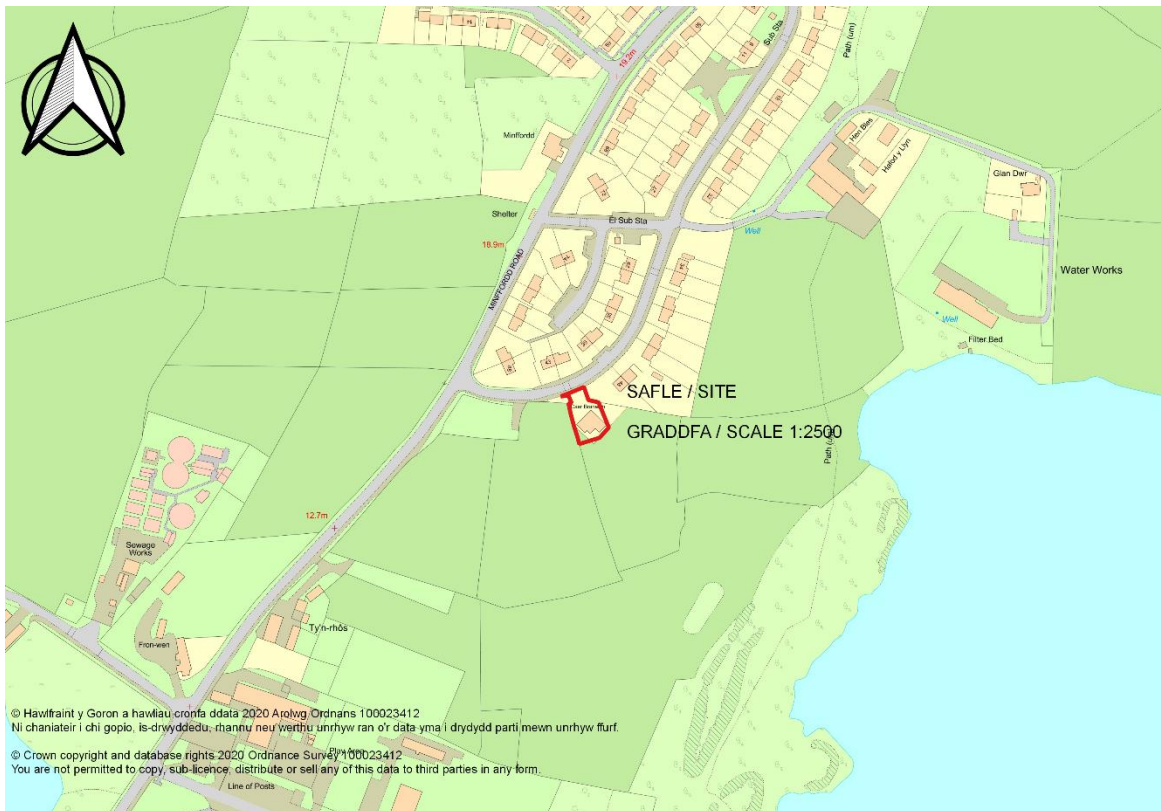


Application Reference: VAR/2020/60

Applicant: Mr William Lloyd Lester

Description: Application under Section 73A for the variation of condition (08)(Landscape scheme) and (09)(Approved drawings) of planning permission reference 32C128F (Erection of a dwelling) so as to allow amended design and submission of a landscape scheme after work has been begun on land at

Site Address: Ty Newydd, Llanfair yn Neubwll



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

Recommendation: Permit

Reason for Reporting to Committee

The planning application is a departure from the development plan which the Local Planning Authority are minded to approve.

Proposal and Site

The application is made for a variation of conditions of planning permission reference 32C128F and the dwelling subject to this permission is under construction but not occupied. The application is made under section 73a to regularise planning condition (08) which require the submission of a landscaping scheme prior to the commencement of the development and to change the design of the house under the provisions of condition (09). The amendments are made for internal re-configuration of the dwelling,

terrace glazed openings replaced with windows and door leading onto new proposed balcony, garage door replaced by window, front door canopy re-positioned, chimney stack removed and the addition, removal and re-positioning various windows described in the submission.

Key Issues

- Compliance development plan policies.
- Lawfulness of the development implemented.
- Acceptability of the Proposed Changes to Design

Policies

Joint Local Development Plan

Joint Local Development Plan

PS 1: Welsh Language and Culture

ISA 1: Infrastructure Provision

PS 4: Sustainable Transport, Development and Accessibility

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

PS 17 Settlement Strategy

TAI 4 Housing in Local, Rural & Coastal Villages

TAI 8: Appropriate Housing Mix

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 2018)

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

Supplementary Planning Guidance Parking Standards (2008).

Response to Consultation and Publicity

Ymgynghorydd Tirwedd / Landscape Advisor: The amended landscaping details including plant numbers are considered satisfactory.

Cynghorydd Richard Dew: No observations received.

Cynghorydd Gwilym O Jones: No observations received.

Cyngor Cymuned Llanfair yn Neubwll Community Council: No observations received.

Priffyrdd a Trafnidiaeth / Highways and Transportation: No comment.

Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit: The application relates to the variation of conditions of planning permission reference 32C128F (Erection of a dwelling). Planning approval (Planning Application ref: 32C128F) for 1 dwelling on the site was given in 2014. A material start on the development began on 08/02/2016. Since the JLDP was adopted, the Council has adopted a Housing Mix Supplementary Planning Guidance (October 2018). It is suggested you consult with the Housing Service to establish whether or not the type of dwelling proposed remains to be acceptable. If you are satisfied that the type of dwelling is suitable, then this will not be a consideration when dealing with this application. General policies material to the proposal are also listed.

Ymgynghoriadau Cynllunio YGC: Due to the size and nature of the development it will be necessary to provide an application to the SAB for approval prior to the commencement of the building work. - No further comments to add to the full application.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor: The landscaping scheme is acceptable.

Diogelu – Y Weinyddiaeth Amddiffyn / MOD Safeguarding: No safeguarding objections.

Dwr Cymru Welsh Water: No comments.

Cyfoeth Naturiol Cymru / Natural Resources Wales: No objections, a separate permit will be required from NRW in relation to the Septic tank.

The planning application has been advertised as a departure from the development plan with individual letters to adjacent properties, a site notice posted and a advert published in the press. The notification period expires on the 11.02.21.

Relevant Planning History

32C128G/MIN - Minor amendments to scheme previously approved under planning permission 32C128E Granted 11.08.15.

32C128F - Application under Section 73 for the removal of conditions (08), (09), Conditionally approved 08.10.2014.

32C128E - Full application for the erection of a dwelling Conditionally approved 15.04.14.

32C128D - Full application for the erection of a two-storey dwelling Conditionally approved 08.06.2012.

32C128C - Erection of a two-storey dwelling Appeal dismissed 13.06.11.

32C128B - CLEUD siting of 2 caravans Withdrawn 28.07.06.

32C128A/DA - Detailed application for 2 dwellings approved 08.12.05.

32C128 - Outline for 2 dwellings Conditionally approved 04.05.2005.

Main Planning Considerations

Compliance development plan policies: Planning permission for the proposed dwelling was granted in 2014 under the previous development. Part of the dwelling and its curtilage subject to this planning application are now located outside the settlement boundary defined under the provisions of policy

PCYFF 1. Policy PCYFF 1 states that outside development boundaries development will be resisted unless it is in accordance with polices in the plan or national planning policies or that a location in the countryside is essential. Consideration of the appropriateness of the housing mix as described in the JPPU comments is also not considered necessary. The planning application subject to this report does not comply with any of these requirements and has therefore been advertised as a departure from the current development plan comprising the JLDP.

Lawfulness of the development implemented: The JPPU comments confirm that a material start on the development began on 08/02/2016 within the statutory time period for planning permission 32C128F. Planning condition (08) of this planning permission required that a landscaping scheme was submitted prior to the implementation of this planning permission. Having regard to relevant planning case law this condition is not worded as a condition precedent, it is also not considered central to the planning permission such that non-compliance would render the development unlawful. Satisfactory landscaping details have been submitted with the application which regularise the position. Having regard to these considerations it appears that planning permission 32C128F has been lawfully implemented such that it comprises a fall-back position. Given that there is an extant planning permission for a residential dwelling the fact that part of the proposal is outside the settlement boundary does not therefore lead to a recommendation of refusal in accord with the provisions of policy PCYFF 1.

Acceptability of the Proposed Changes to Design: The proposed changes to the design have been described in detail in the introduction of this report and it is considered that they align with policy PCYFF 2 which requires that property aligns with characteristics of the locality and PCYFF 3 which requires that proposals demonstrate high quality design.

Conclusion

Given that planning permission 32C128F has been lawfully the proposal is acceptable notwithstanding that part of the proposal is outside the settlement boundary. The landscaping and amended details submitted with this application under section s73 are also considered acceptable.

The decision 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 decision 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. It is considered that the development will contribute to well-being objectives in terms of making the best use of resources and creating and sustaining communities.

Recommendation

That planning permission is Approved subject to the following planning conditions:

(01) The development shall proceed in accordance with the following documents and plans, as amended by the conditions imposed:

Proposed Landscaping Plan WLL/01/20/P Rev 1

Drawing Number WLL/01/15 Rev 4 06/02/18

Drawing Number WLL/02/15 Rev 4 18/09/20

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

(02) The access shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

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

(03) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the highway before the use hereby permitted is commenced.

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

(04) 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.

(05) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2 metres of the said wall/hedge/fence or any new boundary.

Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and the access.

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

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

(07) No surface water from the within the application site shall discharge onto the highway.

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

(08) The landscaping scheme as shown on drawing number WLL/01/20/P Rev 1 shall be implemented not later than the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner.

Reason In the interests of visual amenities of the locality.

(09) 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.

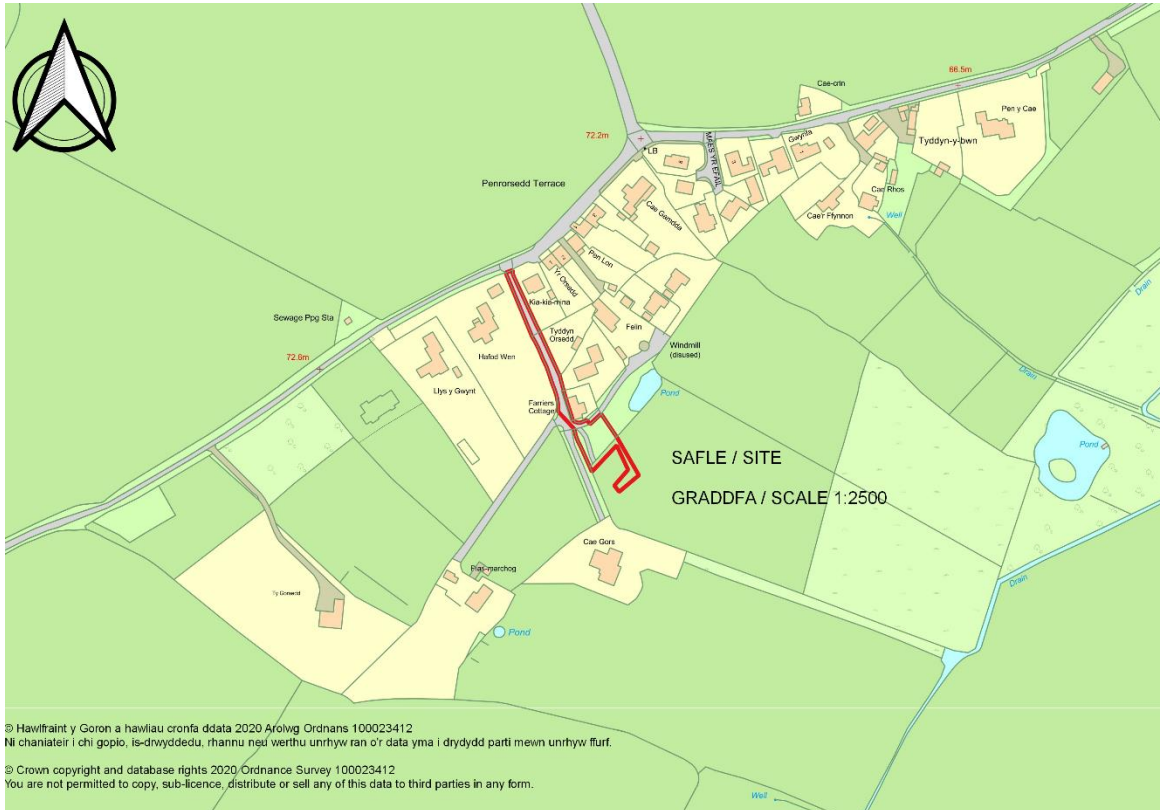
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/249

Applicant: Mr S Leung & Ms A Smith

Description: Full application for the erection of a dwelling together with associated development (so as to amend the design and siting approved under application reference 42C258A) on land to the rear of

Site Address: Tyddyn Orsedd, Rhoscefnhir



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

Recommendation: Permit

Reason for Reporting to Committee

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan in which the Local Planning Authority is minded to approve.

Proposal and Site

The application is for the erection of a dwelling to the rear of Tyddyn Orsedd, Rhoscefnir.

Planning permission for the erection of a dwelling has been previously approved at the site on the 08/12/2017 under planning reference 42C258A.

Key Issues

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

Policies

Joint Local Development Plan

Policy PCYFF 2: Development Criteria
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy PCYFF 6: Water Conservation
Policy PCYFF 5: Carbon Management
Strategic Policy PS 1: Welsh Language and Culture
Strategic Policy PS 2: Infrastructure and Developer Contributions
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change
Policy TRA 2: Parking Standards
Policy ISA 1: Infrastructure Provision
Policy TAI 6: Housing in Clusters

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 Pentraeth Community Council	No Response
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No Objection
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No Objection
Ymgynghoriadau Cynllunio YGC	No Response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No Objection
Iechyd yr Amgylchedd / Environmental Health	No Objection
Ymgynghorydd Tirwedd / Landscape Advisor	Landscape scheme is acceptable

The proposal was afforded three means of publicity; these were by the posting of a notice near the site and the distribution of personal letters of notification to the occupiers of neighbouring properties and an advert within the local press. The latest date for the receipt of representations was the 03/02/2021. At the time of writing this report one letter of representations had been received at the department.

Concern have been raised that an easement is located at the application site. However, this is considered a legal matter outside the planning remit.

Relevant Planning History

42C258 – Outline application for the erection of a dwelling and double garage together with full details of the access – Approved 22/03/2017

42C258A - Cais llawn ar gyfer codi annedd / Full application for the erection of a dwelling - Approved 08/12/2017

Main Planning Considerations

The principle of a dwelling has already been established under planning application 42C258A. As previously noted planning permission for the erection of a dwelling was granted on the 08/12 2017.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan Rhoscefnhir is now identified as a Cluster where any new dwelling must be for an affordable local need on an infill site. The application is therefore contrary to Policy TA16 of the Joint Local Development Plan; however, as the application site has an extant planning permission the following must be considered:-

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

Application reference 42C258A was approved on the 08/12/2017 and the likelihood of it being implemented is very likely as the applicant has 5 years from the date of the permission to implement the development.

The scheme previously approved development is for a two storey dwellinghouse with a propose ridge height of 7.75 meters and a total floor area of 157 square meters.

The current application entails alterations to the design together with the orientation of the dwelling.

The footprint of the dwelling remains the same whilst the proposed ridge height has been slightly lowered to 7.66 meters.

The previously approved consent proposed stone brick and render as materials for the external walls. The current application proposes stone cladding and render.

A significant part of the dwelling will have stone cladding. It is considered that the proposed materials are high quality and an improved design in comparison to the extant permission. The materials will also respect to the local character of the area.

The proposed dwelling has been orientated so that the rear of the dwelling is facing south. It is considered that the dwelling will be more energy effective / sustainable than the previous application by maximizing the energy of the sun.

The current application slightly reduces the ridge height of the proposed dwelling in comparison to what was previously approved. It is also considered that the proposed dwelling has an improved design and more sustainable than the extant permission., It is therefore considered that the proposed development will be an improvement to what was previously granted permission at the site.

Adjacent residential properties

Neighboring properties have been notified of the development. The expiry date to receive representations being 03/02/2021. At the time of writing the report an objection has been received which raises concerns regarding an easement at the application site, however no concerns was raised with respect to the impact upon residential amenity.

Although the position of the dwelling has been orientated in a way that the principal elevation will be positioned towards the neighbouring property, Tyddyn Orsedd, it is not considered that the proposed development will have a detrimental impact upon neighbouring properties. A distance of approximately 35 meters is between the front elevation of the proposed unit and Tyddyn Orsedd. This distance far exceeds the guidance within the Supplementary Planning Guidance (Design for the Urban and Rural Environment) which requires a distance of 18 meters.

Conclusion

The application is contrary to Policy TA16 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for an open market dwelling.

It is considered that the previous application 42C258A is likely to be implemented and the amendments are an improvement to that originally approved.

Recommendation

To permit the application subject to the following conditions:

(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 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.

(03) The car parking accommodation shall be completed in accordance 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.

(04) No development shall commence until the following details are submitted and approved in writing:

A full comprehensive and robust 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 and delivery vehicles.**

Development shall thereafter be carried out in accordance with the approved detail.

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

(05) The site shall be landscaped strictly in accordance with 2840:20:3b in the first planting season after completion or first use of the development, whichever is the sooner. The landscaping scheme shall be retained for the lifetime of the development hereby approved. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the subsequent planting season by trees and shrubs of the same species and size as those originally required to be planted.

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

(06) 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 - 2480:20:1**
- **Site Plan - 2840:20:3B**
- **Proposed Floor Plans and Elevations - 3840:20:4**

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.