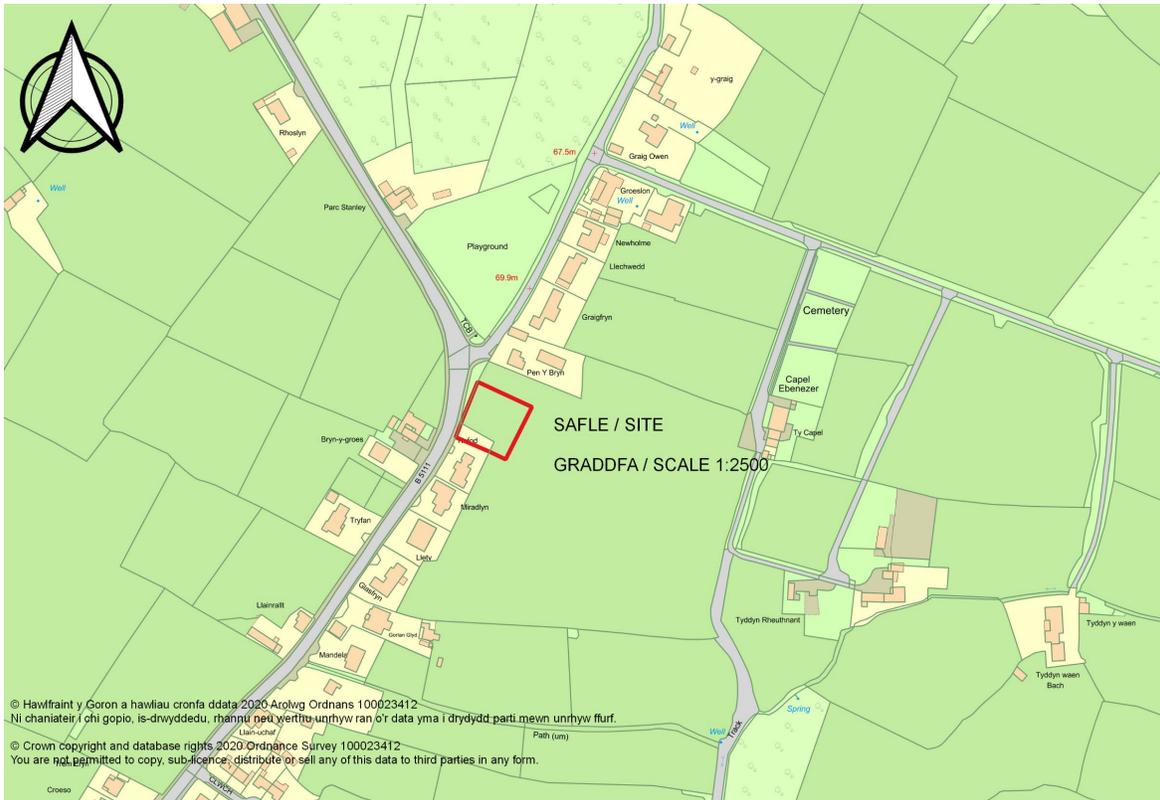


Application Reference: FPL/2021/47

Applicant: Mr W Jones

Description: Full application for amended plans for the erection of a dwelling previously approved under outline application reference 34C716 and reserved matters application reference RM/2020/9 on land adjacent to

Site Address: Pen Bryn, Rhosmeirch



### Report of Head of Regulation and Economic Development Service (Gwen 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 but which the Local Planning Authority is minded to approve.

### Proposal and Site

This is a full application for amended plans for the erection of a dwelling previously approved under outline application reference 34C716 and reserved matters application reference RM/2020/9 on land adjacent to Pen y Bryn, Rhosmeirch.

## Key Issues

The key issue is whether the amended design is acceptable in policy terms.

## Policies

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 4: Design and Landscaping  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 17: Settlement Strategy  
Strategic Policy PS 16: Housing Provision  
Policy TRA 2: Parking Standards  
Policy AMG 5: Local Biodiversity Conservation

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Nicola Roberts	No response
Cynghorydd Dylan Rees	No response
Cynghorydd Bob Parry	No response
Cyngor Tref Llangefni Town Council	Dim ymateb
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Standard Advice
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Dwr Cymru/Welsh Water	Conditional Approval

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations is the 14/05/2021. At the time of writing the report no letters had been received.

### Relevant Planning History

34C716 - Outline application for the erection of a dwelling with all matters reserved on land near - Pen Y Bryn, Rhosmeirch – Granted 19/6/17

OP/2020/12 - Outline application with some matters reserved for the erection of new affordable single storey dwelling and access track on land adjacent to - Pen Bryn, Llangefni - Returned to Applicant

RM/2020/9 - Application for reserved matters for the erection of dwelling on land adj - Pen Bryn, Llangefni – Permit 7/8/20

## **Main Planning Considerations**

The principle of a dwelling has already been established by an extant outline planning application 34C716 and Reserved Matters application RM/2020/9. This is an application to amend the design of the approved dwelling.

## **Joint Local Development Plan**

Since the adoption of the Joint Local Development Plan, Rhosmeirch is identified as a Cluster under the provision of Policy TAI 6 where new dwellings will be approved providing there is a need for an affordable house for local need.

However, there is a fallback position of an extant planning permission for the erection of an open market dwelling on the land. Therefore the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the details submitted with this application acceptable.

It is likely that the existing permission can be implemented as the planning permission does not expire until the 7th August 2022.

## **Amendments**

The amendments are as follows:-

- Amending the design of the dwelling.
- The approved design was a single storey pitched roof dwelling, the proposed dwelling is a dormer type dwelling.
- As a result of the dormer type dwelling the footprint of the new dwelling has been reduced
- The orientation has been amended so that the proposal has views of Snowdonia
- The materials are high quality coloured brick and natural slates
- The design of the dwelling is much more high quality than the previously approved permission and is more in keeping with the general form of development in the area.

## **Adjacent residential properties**

Neighbouring properties have been notified of the development. The expiry date to receive representations being 14th May, 2021. At the time of writing the report no letters had been received.

Consideration has been given to whether the new design would have a greater impact upon the amenity of the adjacent residential property. There are windows located on the ground floor and first floor overlooking the adjoining property; however, the previously approved design also had windows in the side elevation overlooking the adjacent property. The second floor window is a bedroom window and there is a distance of 7.5m to the boundary, this complies with the Supplementary Planning Guidance on proximity.

There will be a 2m high fence also erected between the new dwelling and the adjacent property, this will ensure no overlooking will take place from the ground floor windows. The main windows are located to the front and rear of the property which overlooks an agricultural field.

It is therefore considered that the proposal will not have an impact upon the amenity of adjacent residential properties.

## **Conclusion**

The application is contrary to Policy TAI 6 of the Joint Local Development Plan; however there is a fallback position of an extant permission on the land until 7th August, 2022.

The details submitted with the planning application is acceptable and the conditions have been amended to reflect the submitted information.

## **Recommendation**

### **(01) The development shall begin not later than 7th August, 2022.**

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

### **(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) 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) No surface water from within the development shall discharge onto the highway.**

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

### **(05) 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.

### **(06) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational**

**before any work is commenced on the remainder of the development 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 highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 metre above the level of the adjoining county road carriageway along the whole length of the sites boundary with the adjoining highway and nothing exceeding this height erected within 2 metre of the said wall/hedge/fence or any new boundary.**

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

**(08) The car parking accommodation shall be completed in full accordance with details on the submitted plan before the dwelling is occupied 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.

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

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

**(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.**

- **Location Plan - 2482:21:1**
- **Proposed Elevations and Floorplans - 2482:21:04**
- **Proposed Site Plan - 2482:21:3b**

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

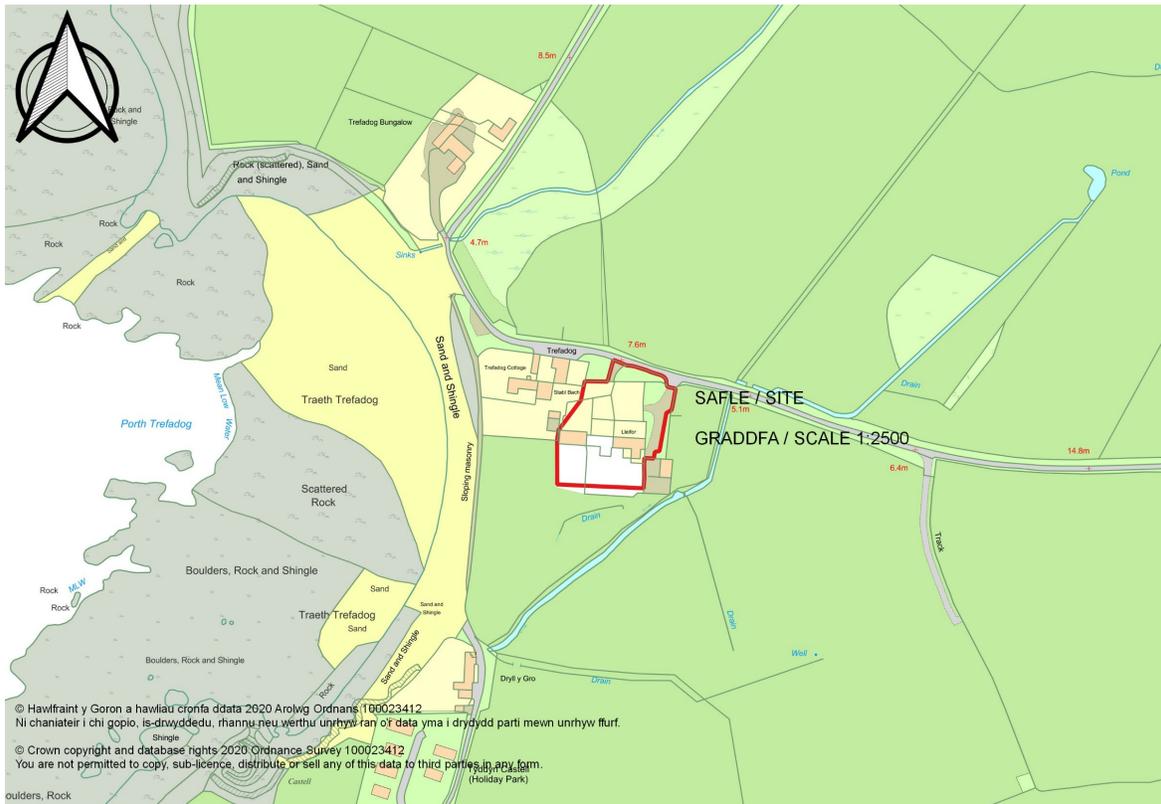
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference: VAR/2021/14**

**Applicant: Mr Dewi Williams**

**Description:** Application under Section 73A for the variation of condition (03) (Passing bays) (05) (Nesting birds) of planning permission reference 29C8J (Conversion of outbuildings into 2 holiday units and a dwelling) so as to allow submission of details after the development has commenced and variation of condition (03) to provide 1 passing bay not 2 passing bays at

**Site Address: Stabl Bach, Llanfaethlu**



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

**Recommendation: Permit**

**Reason for Reporting to Committee**

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

**Proposal and Site**

The application is made under Section 73A for the variation of condition (03) (Passing bays) (05) (Nesting birds) of planning permission reference 29C8J (Conversion of outbuildings into 2 holiday units and a dwelling) so as to allow submission of details after the development has commenced and variation of condition (03) to provide 1 passing instead of 2 passing bays at Stabl Bach, Llanfaethlu.

## Key Issues

The key issue is whether Highways and the Ecologists are satisfied with the information submitted with the planning application and whether the information is considered acceptable in policy terms.

## Policies

### Joint Local Development Plan

Policy PCYFF 2: Development Criteria  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 3: Design and Place Shaping  
Policy TAI 7: Conversion of Traditional Buildings in the Open Countryside to Residential Use  
Policy TWR 2: Holiday Accommodation  
Policy TRA 4: Managing Transport Impacts

Supplementary Planning Guidance - Replacement Dwellings and Conversions in the Countryside

### Response to Consultation and Publicity

Consultee	Response
Prifffyrdd a Trafnidiaeth / Highways and Transportation	Confirmation has been received from the Highways Officer that they are satisfied that 1 passing bay is adequate, they have also confirmed that the passing bay that has been constructed is satisfactory.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Standard Advice
Cynghorydd Llinos Medi Huws	No response
Dwr Cymru/Welsh Water	Standard Response
Cynghorydd Kenneth P. Hughes	No response
Cyngor Cymuned Llanfaethlu Community Council	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection
Cynghorydd John Griffith	No response at the time of writing the report.

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations is the 14/05/2021. At the time of writing the report no letters had been received.

### Relevant Planning History

29C8A/LB - DETAILED PLANS FOR THE CONVERSION OF OUTBUILDING INTO DWELLING - Approved

29C8B - Conversion of the outbuilding to form an extension onto the existing dwelling – 11/9/97 - Approved

29C8C/LB - Listed Building Consent for conversion of the outbuilding to form an extension onto the existing dwelling – 11/9/97 - Allowed

29C8D - Application for a certificate of lawfulness for the retention of the two storey extension – 1/6/10 Permitted

29C8E/LB - Listed Building Consent for the retention of the two storey extension – 18/4/12 - Approved

29C8F - Alterations with installation of underground LPG tank – Approved 7/11/11

29C8G/LB - LBC alterations with installation of underground LPG tank – Approved 24/11/11

29C8H - Full application for the retention of the existing residential curtilage together with the deletion of condition (06) (agricultural occupancy constraint) from planning permission v\1009e, condition (03) (agricultural occupancy constraint) from listed building consent 29C8\LB and condition (02) (agricultural occupancy constraint) from reserved matters consent 29C8A\LB – Approved – 31/3/14 – Section 106 Agreement – 19/6/14

29C8J - Full application for conversion of outbuildings into two holiday units and one dwelling, installation of a package treatment plant together with the demolition of existing buildings – Approved 28/7/15

29C8K/SCR - Screening Application for the conversion of outbuilding into 2 holiday accommodation and 1 dwelling, Stabl Bach, Trefadog, Llanfaethlu – 15/5/15 EIA not required

SCR/2021/19 - Screening opinion for the variation of condition (03)(Passing bays) (05)(Nesting birds) of planning permission reference 29C8J (Conversion of outbuildings into 2 holiday units and a dwelling) so as to allow submission of details after the development has commenced at - Stabl Bach, Llanfaethlu - 22/3/21 – EIA not required

### **Main Planning Considerations**

The principle of converting the outbuildings into 2 holiday units and 1 residential dwelling has already been established under planning application 29C8J.

The conversion of one unit into a residential dwelling has been completed and is being lived in and therefore it is considered that the planning permission has been safeguarded.

As the planning permission has been safeguarded the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.
- Are the details submitted with this application acceptable.

The existing permission has been implemented and consideration will now be given to the information submitted with the Section 73A application.

### **Condition (03) (Passing Bays) of planning permission 29C8J**

The condition stated that no development shall take place until full details of the 2 no passing bays has been submitted to the Local Planning Authority for consideration. The condition goes on to say that the passing bays shall be completed before the use of the outbuildings.

The applicant has requested a variation to the condition to only provide 1 passing bay instead of 2 as originally requested by Highways, this is due to an existing passing bay which currently exists on the highway leading to the site. The applicant has completed 1 passing bay and the Highways Department has confirmed that the passing bay that has been constructed is satisfactory. The Highways Department

has also confirmed that 1 passing bay is sufficient. The passing bay was not constructed prior to the use of the outbuilding; however, it is not considered that this goes to the heart of the permission and has no impact on the work already undertaken.

#### **Condition (05) (Nesting Birds) of planning permission 29C8J**

The condition stated that no development shall take place in the bird breeding season unless the site has been checked for the presence of nesting birds and the results should be forwarded to the Local Planning Authority. The work on the first outbuilding was undertaken in the bird breeding season and the ecologist checked the outbuilding for the presence of nesting birds. The report stated that the outbuilding due to be converted did not contain nests currently occupied by breeding birds. Several abandoned nests were found from birds that recently fledged. The council's Ecologist and Natural Resources Wales are satisfied with the document submitted with the planning application; however the condition is still relevant to the remaining outbuildings that are yet to be converted.

#### **Adjacent residential properties**

Neighbouring properties have been notified of the development. The expiry date to receive representations was the 14/5/21. At the time of writing the report no letters had been received it is not considered that the proposal will have any impact upon their amenity any greater than the approved scheme.

#### **Conclusion**

Part of the application is contrary to Policy TAI 7 of the Joint Local Development Plan; however the fallback position is that a material start has commenced on the previous permission; therefore safeguarding the permission.

The details submitted with the planning application is acceptable and the conditions have been amended to reflect the submitted information.

#### **Recommendation**

**(01) 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 clear of the highway for the safety and convenience of the highway user.

**(02) The development shall proceed in accordance with the traffic management plan submitted on 3<sup>rd</sup> June 2015 under planning reference 29C8J.**

Reason:- In order to ensure highway safety.

**(03) No development in the conversion of the remaining outbuilding shall take place in the bird breeding season from 1<sup>st</sup> March to 30<sup>th</sup> September inclusive unless the site has been checked for the presence of nesting birds and the results of the survey are submitted to and approved in writing by the local planning authority prior to works commencing.**

Reason: To safeguard any protected species which may be present on the site.

**(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.**

- **Location Plan showing passing place –HSAC/01 – Submitted with VAR/2021/14**
- **Ecoscope Inspection Report dated 10<sup>th</sup> August, 2015 – Submitted with VAR/2021/14**
- **Proposed Elevations – HASC07/06 Revision B – Submitted with 29C8J**
- **Proposed Block Plan – HASC07/02 - Submitted with 29C8J**
- **Proposed Floor Plans – HASC07/05 - Submitted with 29C8J**
- **Location Plan – HASC07/01 - Submitted with 29C8J**
- **Structural Survey – Cadarn Consulting April, 2015**
- **Ecological Assessment by Ecoscope Dated January 2015**

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, TAI7, TWR2, TRA4

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.