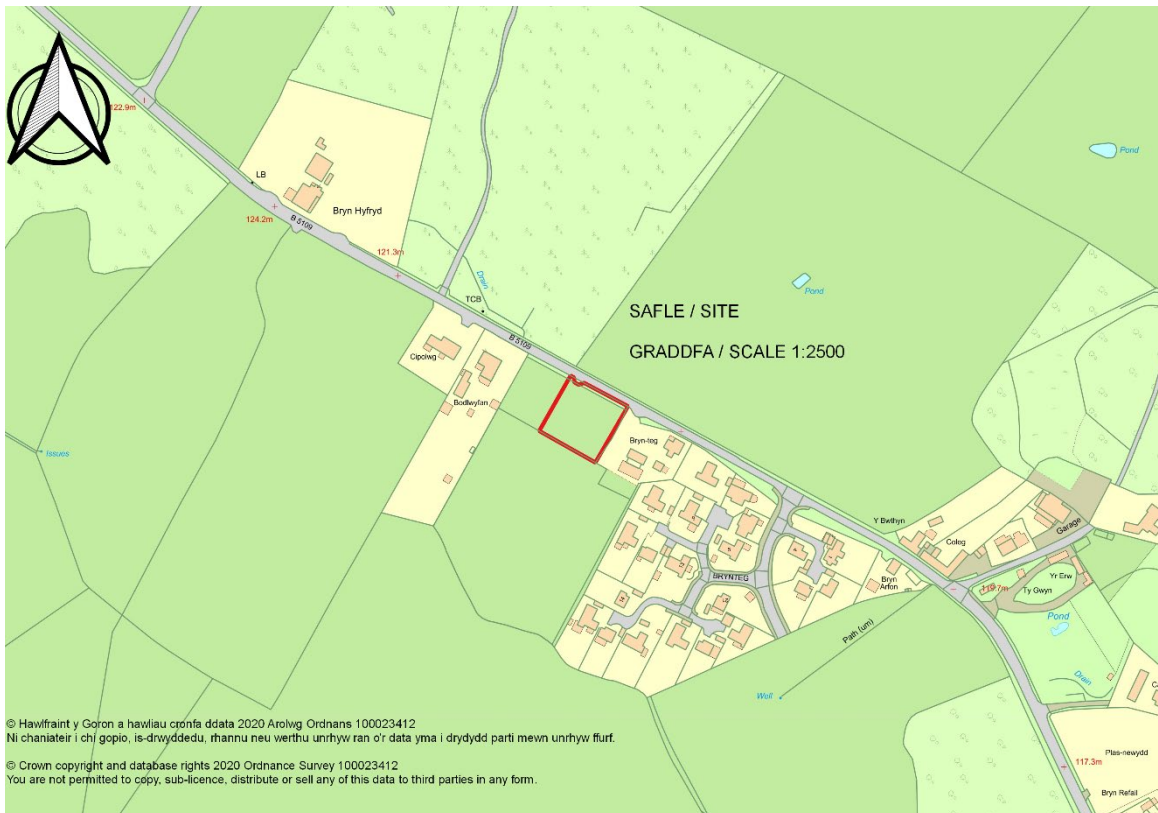


**Application Reference:** VAR/2021/48

**Applicant:** Steven Smith

**Description:** Application under Section 73A for the variation of condition (06) (Approved Plans) of planning permission reference VAR/2020/76 (Erection of a dwelling) so as to amend the design on land adj

**Site Address:** Brynteg, Llansadwrn



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

**Recommendation:** Permit

**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 Llansadwrn along the road between Pentraeth & Beaumaris.

The application is submitted to vary conditions of previous permissions so as to allow amendments to the design of the dwelling.

## 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 now be taken into account.

## Policies

### Joint Local Development Plan

Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Strategic Policy PS 17: Settlement Strategy  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TAI 6: Housing in Clusters  
Planning Policy Wales (Edition 11, February 2021)

### Response to Consultation and Publicity

Consultee	Response
Cynghorydd Carwyn Jones	No response at the time of writing the report.
Cynghorydd Alun Roberts	No response at the time of writing the report.
Cyngor Cymuned Cwm Cadnant Community Council	No objection.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection.
Dwr Cymru Welsh Water	Comments/condition
Ymgynghoriadau Cynllunio YGC	No response at the time of writing the report.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments/advice.
Cynghorydd Gary Pritchard	No response at the time of writing the report.

### Response to Publicity

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 was 22/07/2021.

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

## Relevant Planning History

17C351 - Cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd yn / Outline application for the erection of a dwelling together with the construction of a new vehicular access at plot adjacent to Brynteg, Llansadwrn - Caniatáu/Granted 22.09.2004

17C351A - Cais llawn ar gyfer codi annedd ynghyd a creu mynedfa newydd yn / Full application for the erection of a dwelling together with the construction of a new vehicular access at plot adjacent to Brynteg, Llansadwrn - Caniatáu/Granted 31/07/2008

17C351C - Cais llawn ar gyfer codi annedd sydd yn cynnwys balconi ar dir ger / Full application for the erection of a dwelling which include a balcony on land adjacent to - Brynteg, Llansadwrn  
Gwrthod/Refused 26/07/2016 Apel wedi ei ganiatau/Appeal Allowed 11/05/2017

VAR/2020/76 - Cais o dan Adran 73 i ddiwygio amod (02) o penderfyniad apêl rhif APP/L6805/A/17/3167404 (Codi annedd) er mwyn diwygio lleoliad yr annedd a'r mynedfa i gerbydau ar dir ger / Application under Section 73 for the variation of condition (02) of appeal decision ref APP/L6805/A/17/3167404 (Erection of a dwelling) so as to amend the location of the dwelling and vehicular access on land adjacent to - Brynteg, Llansadwrn - Caniatáu / Permit - 05/05/2021

## Main Planning Considerations

The principle of a dwelling has already been established in this location under appeal decision reference APP/L6805/A/17/3167404 on the 11th May 2017.

On the 5th May 2021 under application ref VAR/2020/76 permission was granted under Section 73 for the variation of condition (02) of appeal decision ref APP/L6805/A/17/3167404 (Erection of a dwelling) so as to amend the location of the dwelling and vehicular access. The permission remains extant.

However, since the adoption of the Joint Local Development Plan, Llansadwrn 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 original planning permission was granted on appeal on the 11th May 2017 and subsequent amendments were granted on 5th May 2021 under reference VAR/2020/76. The permission remains extant and is capable of being implemented.

The proposed amendments sought as part of this application are to the design of the dwelling in order that the proposed dwelling be more eco friendly. The approved dwelling is a 4 bedroom dormer bungalow measuring 13.6m x 6.8m x 6m. The proposal amendments is for a 2 storey 4 bedroom dwelling measuring 15.5m x 6.8m x 7.8m with a single storey lean-to addition to the Eastern elevation measuring 10.6m x 3.3m. The proposal also includes the provision of solar panels.

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 is capable of being implemented.

The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

## Recommendation

Permit

### **(01) The development shall begin not later than 11/05/2022.**

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

### **(02) The access shall be constructed with 2.4 metres by 120 metres visibility splays in both directions. The visibility splays shall be maintained free of any obstruction exceeding 1 metre in height above the level of the adjoining carriageway in perpetuity.**

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.

### **(03) Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect (either 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.

### **(04) Natural roofing slates of uniform colour shall be used as the roofing material on the dwelling hereby permitted.**

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

### **(05) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as defined by Section 56 of the Town and Country Planning Act 1990 (as amended)) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development in relation to the permission granted pursuant to appeal decision reference APP/L6805/A/17/3167404 [Full application for the erection of a dwelling which includes a balcony on land adjacent to Brynteg, Llansadwrn].**

Reason: To prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority.

### **(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:**

- Proposed Location Plan: Drg 1
- Proposed Site Plan: Drg 3
- Proposed Floor Plans & Section: Drg 5
- Proposed Elevations: Drg 6

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: PS4, PS5, PS17, TRA2, TRA4, PCYFF1, PCYFF2, PCYFF3, PCYFF4, TAI6.

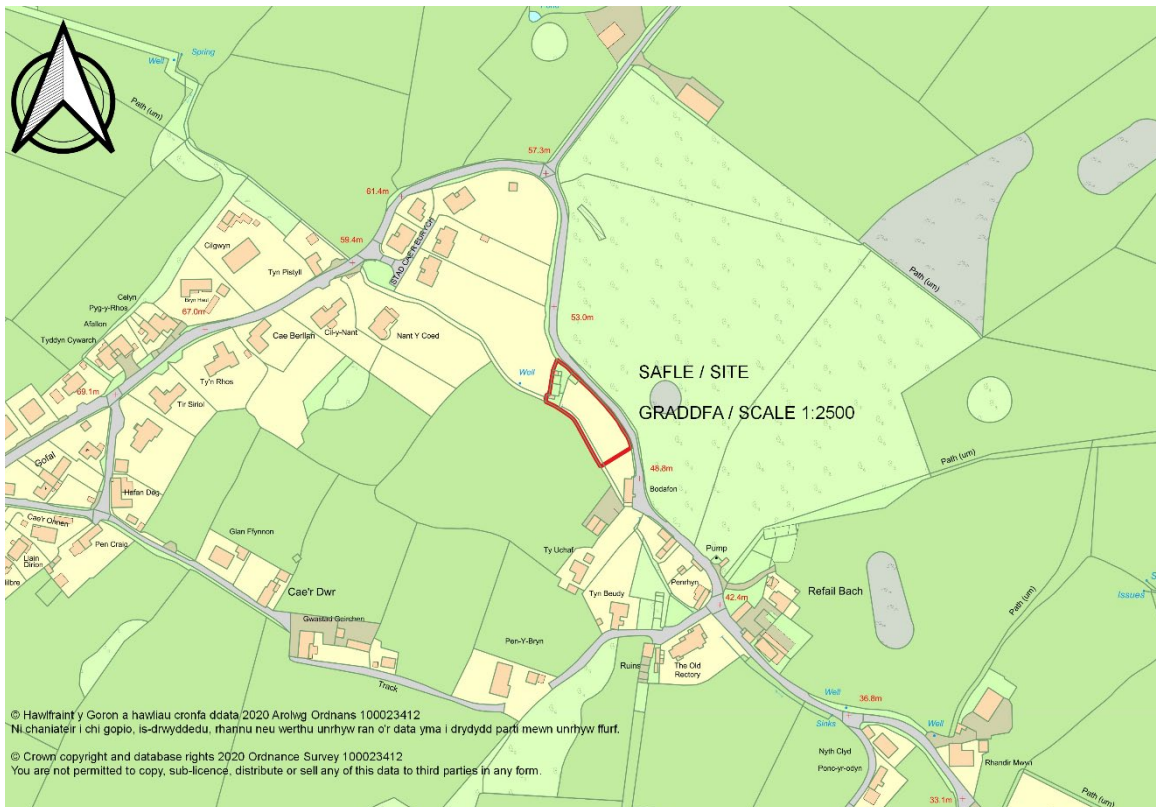
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference: VAR/2021/51**

**Applicant:** Mr & Mrs P Jones

**Description:** Application under Section 73 for the variation of condition (13) (approved plans) of planning permission reference 36C328B (erection of dwelling and garage) so as to allow amended garage plans on land adjacent to

**Site Address:** Bodafon, Llangristiolus



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

**Recommendation:** Permit

**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 and the Local Planning Authority are minded to approve the application.

**Proposal and Site**

The application site is located in a cluster of dwellings to the south of Llangristiolus which are located in the countryside in planning policy terms.

The application is submitted to vary a condition on the previous permission 36C328B, so as to allow an amended design for the proposed garage, to slightly increase the footprint, to incorporate a second floor for a home office and studio/gym.

The development is currently under construction but the following planning conditions of planning permission 36C328B have not been discharged in writing by the Local Planning Authority:

(06) 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 and to the written satisfaction of the Local Planning Authority.

(08) 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:

- i. The parking of vehicles for site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. Wheel washing facilities (if appropriate)
- v. Hours and days of operations and the management and operation of construction and delivery vehicles

(11) Full details of the proposed surface water scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on site. The scheme shall be carried out strictly in accordance with the approved scheme.

## Key Issues

The key issue is whether or not the proposed amendments are acceptable.

- A fallback position exists due to the 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.
- Acceptability of the proposed changes.

## Policies

### Joint Local Development Plan

### Joint Local Development Plan

Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping

Planning Policy Wales (Edition 11)  
Technical Advice Notes 12: Design  
Supplementary Planning Guidance: Design in the Urban and Rural Built Environment

## Response to Consultation and Publicity

Consultee	Response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	Stated that there is a public footpath going through the site. Would be happy for this footpath to be extinguished and requested that the applicant made a S257 application.

Cynghorydd Eric Wyn Jones	No response at the time of writing the report.
Cynghorydd Dafydd Roberts	No response at the time of writing the report.
Cyngor Cymuned Llangristiolus Community Council	No response at the time of writing the report.
Dwr Cymru/Welsh Water	No comment on the application. Requested that drainage related conditions are maintained on any new consent.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No comments / objections from a highways perspective.
Draenio Gwynedd / Gwynedd Drainage	Awaiting response at the time of writing the report.
Ymgynghoriadau Cynllunio YGC	No observations in terms of land drainage or local flood risk.

### **Response to Consultation**

Two consultations periods have been undertaken as part of this application.

*First consultation period:* This period lasted 3 weeks ending on the 21/07/2021. The PROW officer, the local councillors and the community council were consulted. Their responses can be seen below.

*Second consultation period:* After the discovery that 3 conditions had not been discharged on the original permission additional consultations were sent out to seek information regarding these. These consultations were sent to Welsh Water, Gwynedd Drainage, YGC and the Highways Department. They will have 3 weeks to respond, until the 01/09/2021.

### **Response to Publicity**

The application was afforded three means of publicity; these were by 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 representation was 22/07/2021.

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

### **Relevant Planning History**

36C328 - Outline application with some matters reserved for the erection of a dwelling and the creation of a new vehicular access together with demolition of the existing garage on land adjacent to Bodafon, Llangristiolus. Refused 25/07/2013.

36C328A - Outline application with some matters reserved for the erection of a dwelling and the creation of a new vehicular access together with demolition of the existing garage on land adjacent to Bodafon, Llangristiolus. Permitted 04/09/2014.

36C328B - Full application for the erection of a dwelling, a detached garage with store together with the construction of a vehicular access on land adjacent to Bodafon, Llangristiolus. Permitted 17/10/2016.

MAO/2021/4 - Minor amendments to scheme previously approved under planning permission 36C328B so as to amend design of rear elevation on land near Bodafon, Llangristiolus. Permitted 29/06/2021.



## Main Planning Considerations

Lawfulness of the development implemented - The dwelling and garage was originally granted planning permission under reference 36C328B on the 17th October 2016 under the former development plan which has now been superseded by the Joint Local Development Plan. This permission remains extant until October 2021, and the development has commenced. Excavation works have been done, the foundations have been set, and the block work on the dwelling is in progress.

Work on site has commenced within the statutory five year period of planning permission 36C328B, but it is currently in breach of planning conditions (06), (08) and (11). To determine whether the development implemented is lawful requires consideration of various planning case law from which the following points can be derived and applied sequentially:

1. Is it a pre-condition to lawful development and if so, has it been complied with;
2. If it has not been complied with, can the developer bring himself within one of the recognised exceptions in case law such as if the breached condition is not central to the development non-compliance does not render the development unlawful.
3. Would a decision to initiate enforcement be judicially reviewable e.g. because it would be irrational or an abuse of power.

In terms of the first criterion, planning conditions (06) and (08) are conditions precedent which have not been dealt with. Condition (11) is not a condition precedent, and the lack of discharge will not have an impact on the lawfulness of the permission.

In terms of the second criterion, none of the conditions precedent breached are central to the development approved such that non-compliance would render the development unlawful and planning permission 36C328B is therefore considered lawful. Given these conclusions it appears that planning permission 36C328B has been lawfully implemented.

Acceptability of the proposed changes - Since the adoption of the Joint Local Development Plan, the site is now located outside the Llangristiolus development boundary, in an area designated as open countryside. An open market residential dwelling in this location is now contrary to the provisions of policy PCYFF 1 which generally restricts development in countryside locations to those that require a rural location. The application has been advertised as a departure for this reason but there remains a fallback position in that planning permission 36C328B has been lawfully implemented and it is necessary to consider the acceptability of the proposed changes to the proposal below

- Are the amendments an improvement to that previously approved
- Will the amendments have a greater impact on the privacy and amenity of neighbouring properties

The proposal is to amend the design of the previously approved garage to incorporate a second floor to accommodate a home office and a studio/gym. The site was subject to a minor amendment application MAO/2021/4 earlier this year to change the design of the rear elevation. The garage amendment was originally part of that application, but was deemed too great a change for a minor amendment application, and a Variation of Condition application was advised.

The previously approved garage was 8.1m x 7.2m with a height of 5.1m. The proposed garage amendment will remain in the same location to the north of the site, but will have a slightly larger footprint. It is proposed to measure 10.8m x 7.2m, and be 7m in height.

Despite the proposed garage being slightly larger than that previously approved, it is well screened by the trees surrounding the site, and it is not considered that the slight increase in size will have a discernible impact on neighbouring properties or on the surrounding environment to such a degree that it should warrant the refusal of the application. On this basis it is considered that the proposal complies with policies PCYFF 2 and PCYFF 3.

Other Matters - Information has been submitted to regularise conditions (06) and (11). The approved site plan SPD/02 includes details of the foul water drainage and the surface water drainage. The foul water will connect to existing public sewer, which was approved by Welsh Water in 2016, who issued condition (10) of this new permission. The surface water drainage will either connect to an existing water course or to a soakaway 5m away from the dwelling. No objections have been received in regards to this. A planning condition has also been recommended requiring the submission of a Construction Traffic Management Plan within three months of any planning permission granted.

## **Conclusion**

It appears that planning permission 36C328B has been lawfully implemented and as there remains a “fall-back position” the proposal is considered acceptable. The proposed amendments are considered to be acceptable and represent an overall improvement to the previously approved plans.

Subject to the comments of the outstanding consultees in relation to the acceptability of the information submitted to regularise planning conditions (06), (08) and (11) this application is considered acceptable.

## **Recommendation**

Permit

**(01) Once the development hereby approved has been commenced no works for the commencement (or continuation) of the development authorised under planning permission reference 36C328B shall be undertaken.**

Reason: To ensure that there are not two planning permissions on the site.

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

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

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

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

**(04) The access shall be constructed with 2.0 metre by 22 metres splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

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

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

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

**(06) No surface water from within the curtilage of the site to discharge onto the country highway.**

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

**(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 comply with the requirements of the Highway Authority.

**(08) Within 3 months of the date of this decision, the written approval of the local planning authority must be obtained in relation to a full comprehensive traffic management scheme including:**

- i. The parking of vehicles for site operatives and visitors**
- ii. Loading and unloading of plant and materials**
- iii. Storage of plant and materials used in constructing the development**
- iv. Wheel washing facilities (if appropriate)**
- v. Hours and days of operation and the management and operation of construction and delivery vehicles.**

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

**(09) No changes in ground levels shall take place within the Recommended Protection Areas as specified in drawing number: DW/RD/CP/TS/LS/A-r2.**

Reason: In the interest of amenity.

**(10) No surface water and/or land drainage shall be allowed to connect either directly or indirectly to 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.

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

- WD/H/03 – Proposed Floor Plans (Dwelling) – January 2021**
- WD/H/04 – Proposed Elevations (Dwelling) – January 2021**
- WD/G/04 – Proposed Floor Plans & Elevations (Garage) – January 2021**
- SPG/02 – Proposed Site Plan – January 2021**
- Enfys Ecology Report – Protect Species Survey – 18/08/2016**
- Arboricultural Impact Assessment – 17/06/2016**
- DW/RD/CP/TS/LS/A-r2 – Tree Survey Plan – 17/06/2016.**

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 1, PCYFF 2, PCYFF 3

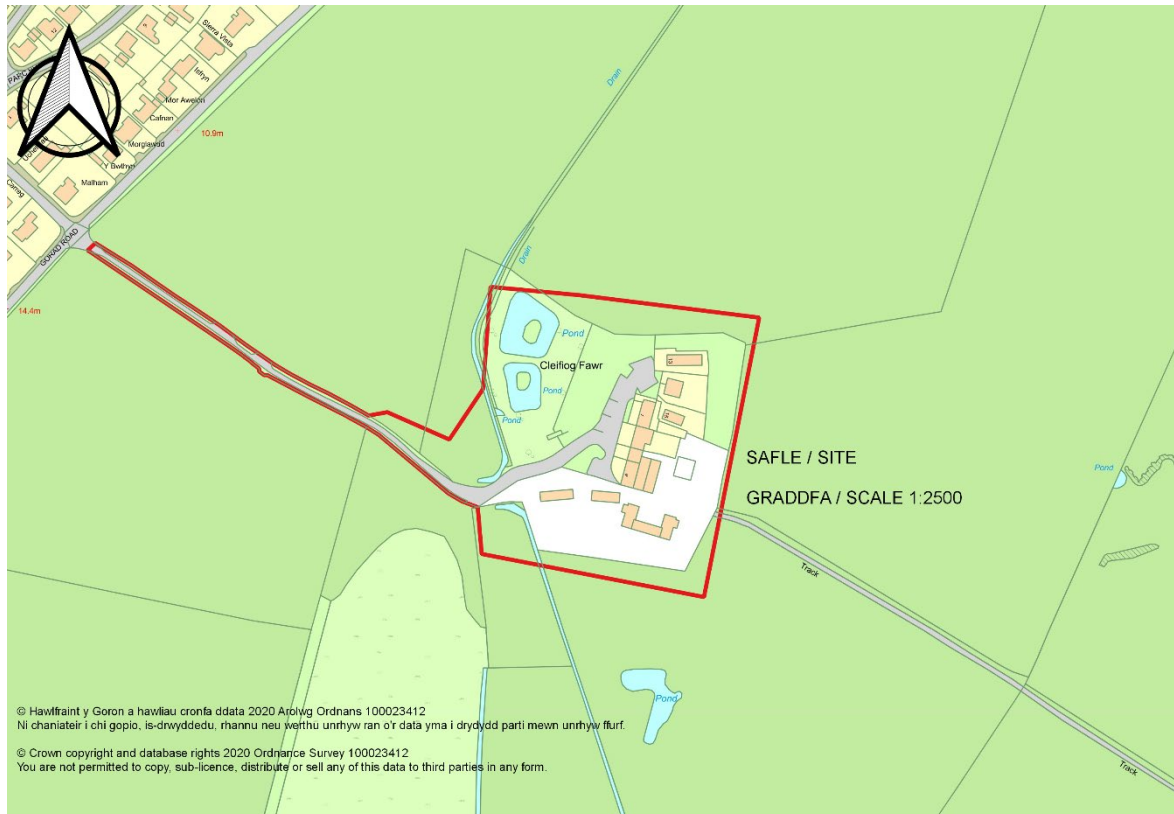
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

**Application Reference:** VAR/2021/22

**Applicant:** Cleifiog Fawr Ltd

**Description:** Application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at

**Site Address:** Cleifiog Fawr, Gorad Road, Valley



## 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 an application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at Cleifiog Fawr, Gorad Road, Valley.

## Key Issues

The key issue is whether Natural Resources Wales are satisfied with the deletion of the condition relating to the requirement to provide a flood defence structure.

## Policies

### Joint Local Development Plan

PCYFF2 - Development Criteria

PCYFF3 - Design and Place Shaping

TAI7 - Conversion of Traditional Buildings in the Open Countryside to Residential Use.

Technical Advice Note 15: Development and Flood Risk

### Response to Consultation and Publicity

Consultee	Response
Dwr Cymru/Welsh Water	Comments
Cynghorydd Gwilym O Jones	No response at the time of writing the report.
Cyngor Cymuned Y Fali / Valley Community Council	No response at the time of writing the report.
Cynghorydd Richard Dew	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response at the time of writing the report.
Swyddog Llwybrau Troed / Footpaths Officer	No comments.
Iechyd yr Amgylchedd / Environmental Health	No observations
Gwasanaeth Cynllunio Archeolegol Gwynedd Archaeological Planning Service	No response at the time of writing the report.
Cyfoeth Naturiol Cymru / Natural Resources Wales	Satisfied to delete the condition.

The proposal has been advertised through the posting of a notice on site together with the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was also placed within the local newspaper. The latest date for the receipt of any representation was the 01/07/2021. At the time of writing this report, 2 letters of representation had been received at the department. The main comments as follows:-

- Given global warming and the impact this has on the UK coast line, it is irresponsible to remove any flood defence.
- Would degrade the flood resilience of the site

In response to the comments made:-

Natural Resources Wales has confirmed as all the units have a FFL above 3.82 AOD they have no objection to the removal of condition (02).

## **Relevant Planning History**

There is a lengthy planning history to the site. These applications are the most relevant to this planning application:-

49C289 – Change of use of the existing dwelling and outbuildings into 12 residential units together with the installation of a treatment plant at Cleifiog Fawr, Valley – Granted 5/10/16

49C289K/VAR – Application under Section 73A for the variation of conditions (02) so as to amend the site layout and the design of units 2,3,4,5,6,7,8,9 and 12, (06) so as to allow for the submission and discharge of the programme of archaeological works post commencement, (09) so as to amend the car parking provision together with the deletion of condition (11) (finished floor levels) of planning permission reference 49C289 (conversion of outbuilding into 12 dwellings) at Cleifiog Fawr, Valley – Granted 4/7/18

## **Main Planning Considerations**

### **Background.**

Planning application 49C289 was approved for converting the outbuildings into 12 residential units at Cleifiog Fawr, Valley. An application under Section 73A was approved under 49C289K/VAR for amendments to the previously approved scheme.

### **History of the site in relation to Flood Defences.**

The original permission included conditions requiring that finished floor levels be set no lower than 4.5m above Ordnance Datum to reduce the risk of flooding along with a separate condition requiring the construction of a formal flood defence structure with a minimum crest level of 5.0m above Ordnance Datum to safeguard the development from flooding.

As part of planning application 49C289K/VAR the applicant requested that condition (11) of the previous permission relating to Finished Floor levels be deleted. NRW confirmed that as the bund was to remain there was no issue arising from the deletion of the finished floor level condition.

### **The Proposal**

This is an application under Section 73 for the removal of condition (02) (flood defence structure) of planning permission reference 49C289K/VAR at Cleifiog Fawr, Gorad Road, Valley.

The application is now supported by an addendum Flood Consequence Assessment (Brian Killingworth. December 2020) which is a revision of the previously compiled report from 2016. The Addendum FCA has correlated the findings of a recent Tidal Breach Analysis of the Valley Tidal Doors structure with the proposed Finished Floor Levels (FFL) recommended in the Revised FCA.

The update has used information from a hydraulic modelling exercise carried out as part of the Development Consent Order application in respect of the associated development. This work considered 2 breach lengths (of 20m and 50m) in the Tyddyn y Cob flood embankment and is deemed acceptable to be used in support of this application.

The FCA concludes that the previously agreed finished floor levels for the units and other flood defence works to address the flood risk may be revisited. The recommendations of the previous FCA have been superseded by the Tidal Breach Analysis carried out, in association with the Wylfa Newydd project, which predicted a flood level for a 0.5% AEP breach event of 3.32m AOD. This means that the FFL can be reduced to 3.82m Above Ordnance Datum; this would then negate the need to provide the flood defence bund within the application site boundary.

Natural Resources Wales have confirmed that they are satisfied with the findings of the Addendum FCA and have confirmed that they are satisfied with the Finished Floor level being set at 3.82m above AOD. NRW have also confirmed that they have no objection to the removal of the flood defence bund.

## **Conclusion**

Due to the FFL of units being above 3.82m AOD NRW have no objection to the removal of condition (02) from planning application 49C289K/VAR.

## **Recommendation**

Permit

**(01) 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.

**(02) All stonework proposed to be used in the construction of the dwellings shall be natural local stone of uniform colour.**

Reason: 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 plans before any of the dwellings are occupied 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 car parking accommodation shall be completed in full accordance with the details as submitted before any of the dwellings are occupied and thereafter retained and kept free from permanent obstruction and used only for access 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.

**(06) The access shall be constructed with 2.4 metre by 70.0 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted at any time.**

Reason: To 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.

**(07) The minimum track level shall be 3.75m above Ordnance Datum. The access track culvert shall be replaced with a 750mm diameter pipe before the dwellings are occupied and the overflow channel opening shall be maintained for the lifetime of the development.**

Reason: To protect the access and egress from flooding.

**(08) The pedestrian access across the flood defence structure shall be constructed in accordance with the submitted details before any of the dwellings are occupied.**

Reason: In order to maintain the public right of way which traverses the site.

**(09) The development permitted by this consent shall be carried out strictly in accordance with the plans submitted under planning application reference 49C289K/VAR and VAR/2021/22 and listed below:-**

- **SYL-703 - Sylfaen Associates Ltd - Structural Survey submitted with planning application 49C289K/VAR**
- **Flood Consequence Assessment - Brian Killingworth September 2016 submitted with planning application 49C289K/VAR**
- **Flood Consequences Assessment Addendum December 2020**
- **SYL717/APP/B/PR - Design and Access Statement & Historical Assessment and Listed Building Justification June 2017 submitted with planning application 49C289K/VAR**
- **SYL717.01B - Location Plan and Existing Site Plan submitted with planning application 49C289K/VAR**
- **SYL717/01B - Location Plan and Existing Site Plan submitted with planning application 49C289K/VAR**
- **SYL717.02B - Proposed Site Plan submitted with planning application 49C289K/VAR**
- **SYL717.05C - Proposed Floor Plans and Elevations (Units 1-4) submitted with planning application 49C289K/VAR**
- **SYL717.06C - Proposed Floor Plans and Elevations (Unit 5) submitted with planning application 49C289K/VAR**
- **SYL717.08B - Proposed Floor Plans and Elevations (Units 6-7) submitted with planning application 49C289K/VAR**
- **SYL717.11A - Proposed Floor Plans and Elevations (Unit 12) submitted with planning application 49C289K/VAR**
- **SYL717.12B - Proposed Floor Plans and Elevations (Unit 8) submitted with planning application 49C289K/VAR**
- **SYL717.13A - Proposed Floor Plans and Elevations (Unit 9) submitted with planning application 49C289K/VAR**
- **SYL717.15C - Contours and Pond submitted with planning application 49C289K/VAR**
- **SYL717.16A - Proposed Site Plan and Access Route submitted with planning application 49C289K/VAR**
- **SYL717.PR.17B - Public Footpath submitted with planning application 49C289K/VAR**

Reason: For the avoidance of doubt.

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.