

Application Reference: VAR/2021/70

Applicant: Mr. Peter Ball

Description: Application under Section 73A for the variation of condition (08) (Approved plans) of planning permission reference 20C85F/DA (Erection of a dwelling) so as to allow amendments to the design at

Site Address: Plot adjacent to Bron Wylfa, Cemaes



### 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 in the open countryside, on the outskirts of the Local Service Centre of Cemaes.

The application is submitted to vary conditions of previous safeguarded permission so as to allow for 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 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 2: Infrastructure and Developer Contributions  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
Strategic Policy PS 17: Settlement Strategy  
Strategic Policy PS 1: Welsh Language and Culture  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 4: Design and Landscaping  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 1: Development Boundaries  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts  
Planning Policy Wales (Edition 11, February 2021)  
Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)  
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 Richard Griffiths	No response at the time of writing the report.
Cynghorydd Aled Morris Jones	No response at the time of writing the report.
Cynghorydd Richard Owain Jones	No response at the time of writing report.
Cyngor Cymuned Llanbadrig Community Council	No response at the time of writing report.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	No response at the time of writing report.
Ymgynghoriadau Cynllunio YGC	No comments.
Dwr Cymru Welsh Water	No comments, subject to any drainage related conditions being included in any new consent granted.

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 22/10/2021.

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

## Relevant Planning History

20C85 - Codi annedd ar / Erection of a dwellinghouse on O.S enclosure number 0811 ger Pentregof, Cemaes - Caniatau/Granted -04.04.1990 / S106 - 09.03.1990

20C85A - Codi annedd a modurdy ar ran o / Erection of a house and garage on part of O.S 0811 ger/near Pentregof, Cemaes - Gwrthod/Refused - 03.08.1993 - Gwrthod apel/Appeal Dismissed - 29.12.1993

20C85B - Diwygio amod (02) ar ganiatad cynllunio 20C85 er mwyn ymestyn yr amser a ganiateir i gyflwyno cais 'reserved matters' o 3.4.93 i 1.2.95 ar / Amendment to condition (02) of permission 20C85 so as to increase the time limit for submission of 'reserved matters' application from 3.4.93 to 1.2.95 at O.S 0811 ger/near Pentregof, Cemaes - Gwrthod/Refused - 09.12.1994 - Gwrthod Apel/Appeal Dismissed - 11.10.1995

20C85C - Cais amlinellol ar gyfer codi byngalo ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a bungalow together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 02.10.2003

20C85D - Cais amlinellol ar gyfer codi byngalo ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a bungalow together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 08.01.2004

20C85E - Cais amlinellol ar gyfer codi annedd ynghyd a addasu'r fynedfa bresennol ar ran o / Outline application for the erection of a dwelling together with alterations to the existing access on part of O.S 0811 adjoining Pentregof Bach, Cemaes - Refused 08.04.2005

20C85F/DA - Manylion llawn ar gyfer codi annedd ynghyd a chreu mynedfa newydd i gerbydau ar blot ger / Detailed plans for the erection of a dwelling together with the construction of a new vehicular access on plot adjoining Bron Wylfa, Cemaes - Granted 15.08.2005

20C85G/DIS - Rhyddhau amod (05) (llechan to) o ganiatad cynllunio 20C85E ar dir ger/ Discharge of condition (05) (slate roof) from planning permission 20C85E on land adjacent to Bron Wylfa, Cemaes - Rhyddhau amod/Condition discharged 18.11.2014

## Main Planning Considerations

The principle of a dwelling has already been established in this location under planning permissions 20C85E and 20C85F/DA. The planning permission is safeguarded by virtue of the fact that the development has been commenced and is therefore extant.

However, since the development site is outside the development boundary and therefore in the open countryside and where any new dwelling must therefore accord with Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities and which requires there to be a proven need for a 'rural enterprise dwelling'.

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 and it is therefore a question of whether the proposed amendment represents an improvement to the scheme previously approved.

The proposed amendment is the addition of a sun room to the Eastern elevation of the dwelling. The proposed sunroom is considered to be acceptable in terms of design and it is not considered that the proposed sun room will have an unacceptable impact upon the character and appearance of the area or upon the amenities of neighbouring properties.

The proposed amendment is therefore considered to be acceptable and represents an overall improvement to the previously approved plans.

### **Conclusion**

The application is contrary to policy PS17 of the JLDP and the provisions of Technical Advice Note 6: Planning for Sustainable Rural Communities JLDP; nevertheless a fallback position exists as the site benefits from an extant permission which has been implemented.

The proposed amended design 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**

That the application is permitted subject to the following conditions:

**(01) The access shall be laid out and constructed strictly in accordance with the submitted plan ref A2/0J/2 before the dwelling is 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.

**(02) 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.

**(03) 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 before the dwelling is occupied.**

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

**(04) The car parking accommodation shall be completed in full accordance with the details as shown on drawing reference A2/0J/2 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 turning space for vehicles shall be completed in accord with the details shown on drawing ref A2/0J/2 before the use hereby permitted is commenced.**

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.

**(06) 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.

**(07) 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.

**(08) 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 and Block Plans: A2/0J/2 received on 14/09/2021**
- **East Elevation received on 14/09/2021**
- **South and North Elevations received on 14/09/2021**
- **Proposed Floor Plan received on 14/09/2021**
- **Proposed Elevations approved under planning permission ref 20C85F/DA**

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: PS1, PS2, PS4, PS5, PS17, PCYFF1, PCYFF2, PCYFF3, PCYFF4, TRA2, 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.