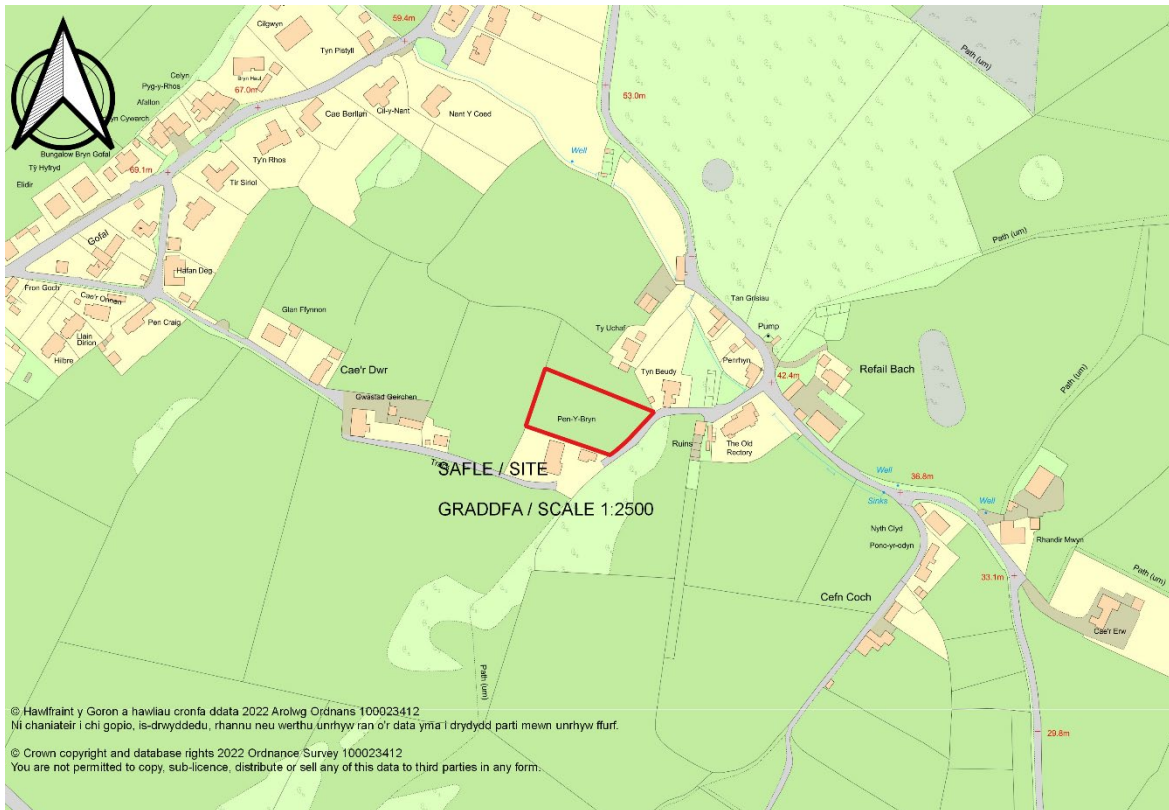


Application Reference: VAR/2021/84

Applicant: Mr Chris Owens

**Description:** Application under Section 73 for the variation of condition (03)(Approved Plans) of planning permission reference VAR/2021/11 (variation of condition (02) of planning permission reference 36C320A and MAO/2018/3 (Erection of a dwelling) so as to amended design) so as to allow amended garage design at

**Site Address:** Ty Uchaf, Llangristiolus



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

**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 the Local Planning Authority is minded to approve due to the valid fallback position.

**Proposal and Site**

This is an application under Section 73 for the variation of condition (03) of planning permission reference VAR/2021/11 so as to amend the design of the dwelling at Ty Uchaf, Llangristiolus.

## Key Issues

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

## Policies

### Joint Local Development Plan

**Policy PCYFF2 – Development Criteria**  
**Policy PCYFF3 – Design and Place Shaping**  
**Policy PCYFF1 – Development Boundaries**

### Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection
Swyddog Llwybrau Troed / Footpaths Officer	No response
Ymgynghorydd Tirwedd / Landscape Advisor	No objection
Cynghorydd Eric Wyn Jones	No response
Cynghorydd Dafydd Roberts	No response
Cyngor Cymuned Llangristiolus Community Council	No response

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 the policies of the adopted development plan. The expiry date for receiving representations is the 23/02/2021. At the time of writing the report no letters had been received.

### Relevant Planning History

VAR/2021/11 - Application under Section 73 for the variation of condition (02) of planning permission reference 36C320A and MAO/2018/3 (Erection of a dwelling) so as to amended design at - Ty Uchaf, Llangristiolus Permit

MAO/2020/24 - Minor amendments to scheme previously approved under planning permission 36C320A so as to add a condition for a "list of approved drawings" to decision notice at - Ty Uchaf, Llangristiolus - Returned to Applicant

LUP/2020/11 - Application for a Certificate of Lawfulness for the proposed use of land for the erection of a new dwelling in relation to a material start having been made on permission 36C320A thus safeguarding the consent on land adjacent to - Ty Uchaf, Llangristiolus - Permit

MAO/2018/3 - Minor amendments to scheme previously approved under planning permission 36C320A so as to add a condition for the development to be in accordance with the approved plans on land adjacent to - Ty Uchaf, Llangristiolus - Permitted

### Main Planning Considerations

The principle of a dwelling has already been established under planning application 36C320A and amendments were approved under MAO/2018/3 and VAR/2021/11. A certificate of lawfulness was

deemed lawful under application LUP/2018/1 as works to the access had commenced. It is therefore deemed that planning permission for a dwelling has been safeguarded on the application site. This is an application to amend the design of the approved dwelling by reducing the scale of the proposed garage.

Since the adoption of the Joint Local Development Plan, Llangristiolus is identified as a Local Village under the provision of Policy TAI 4. The application site is not within the development boundary of Llangristiolus and is therefore classed as being in the open countryside location. However, as a material start has commenced on the previous permission and a lawful use certificate has been proved lawful the following must be considered:-

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

As stated above a Certificate of Lawfulness has been proved lawful and a material start has taken place on the previous permission; therefore, safeguarding the permission. The garage of the scheme will be reduced in scale which will reduce any potential impacts upon residential amenity. The reduction in scale is considered a betterment in appearance and as such the local authority are satisfied that the proposal is still of a high quality design which is in keeping with the appearance of the local area and its character.

### **Conclusion**

Due to the above, the local authority are satisfied that the scheme represents a betterment to the safeguarded consent and are minded to approve contrary to the policies of the adopted development plan.

### **Recommendation**

That the application is permitted subject to the following conditions:

**(01) 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.

**(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) 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**
- **Site Layout Plan and Ridge Heights / SHA-349-03(B)**
- **Proposed Plans and Elevations / SHA-349-02(A)**
- **Construction Traffic Management Plan submitted with planning application 36C320B/DIS**

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

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.