

Application Reference: FPL/2021/243

Applicant: Mr & Mrs Parry

Description: Full application for amended plans for the erection of a dwelling previously approved under previous planning permission reference 24C268J/DA at

Site Address: Ty Ni, Plot 1 Glan Llyn, Cerrigman, Amlwch



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 is for amended plans for the erection of a dwelling previously approved under previous planning permission reference 24C268J/DA at Ty Ni, Plot 1 Glan Llyn, Cerrigman, Amlwch.

The application site is located on the A5025 in the settlement of Cerrigman, located between Amlwch and Penysarn.

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 4: Sustainable Transport, Development and Accessibility

Strategic Policy PS 17: Settlement Strategy

Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Strategic Policy PS 5: Sustainable Development

Strategic Policy PS 1: Welsh Language and Culture

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy TAI 6: Housing in Clusters

Policy AMG 2: Special Landscape Areas

Policy AMG 5: Local Biodiversity Conservation

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Planning Policy Wales (Edition 11, February 2021)

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 the report.
Cyngor Cymuned Llanelian Community Council	No objection.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection.
Uned Polisi Cynllunio ar y Cyd / Joint Planning Policy Unit	Comments/advice.
Ymgynghoriadau Cynllunio YGC	No response at the time of writing the report.

Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No response at the time of writing the report.
Ymgynghorydd Tirwedd / Landscape Advisor	The amendments proposed would not have any additional effect on the qualities and characteristics of the Special Landscape Area (SLA) Parys Mountain & Slopes, and the proposal would be compliant with AMG 2.
Strategol Tai / Housing Strategy	No response at the time of writing the report.

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 as 17/12/2021.

At the time of writing the report, one representation of support had been received at the Department following the publicity period.

Relevant Planning History

24C268 – Cais amlinellol ar gyfer codi annedd ynghyd a creu mynedfa newydd i gerbydau ar dir ger / Outline application for the erection of a dwelling together with the construction of a new vehicular access on land adj Gwelfor, Cerrigman – Caniatau/Granted 04/09/2008

24C268C – Adnewyddu canaitad amlinellol rhif 24 238 ar gyfer codi annedd ynghyd a creu mynedfa newydd ar dir ger / Renewal of outline planning permission ref 24C268 for the erection of a dwelling together with the construction of a new vehicular access on land adj Gwelfor, Cerrigman – Caniatau / Granted 14/11/2011

24C268F/VAR – Cais dan Adran 73 ar gyfer diwygio amod (02) o ganiatad cynllunio rhif 24C268C ar gyfer caniatau 3 mlynedd pellach i gyflwyno cais manwl yn / Application under Section 73 for the variation of condition (02) from planning permission ref 24C268C so as to allow a further 3 years to submit a detailed application at Plot 1, Glanllyn, Cerrigman – Caniatau / Granted 05/02/2015

24C268J/DA – Cais am y materion a gadwyd yn ôl ar gyfer codi annedd yn / Application for reserved matters for the erection of a dwelling on Plot 1, Glanllyn, Cerrigman – Caniatau / Granted 26.03.2018

Main Planning Considerations

The application is made for amended plans for the erection of a dwelling previously approved under previous planning permission reference 24C268J/DA at Ty Ni, Plot 1 Glan Llyn, Cerrigman, Amlwch

The application site is located in the identified Cluster of Cerrigman in a designated Special Landscape Area.

Outline planning permission was originally granted for the development of this plot in September 2008, the application was subsequently twice renewed in 2011 and 2015 and reserved matters approval was granted on in March 2018 under reference 24C268J/DA.

The development has commenced and is at an advanced stage of construction. The development which is being undertaken is that for which forms the subject of this application i.e. it includes the rear sun room and detached garage which did not form part of the original reserved matters approval.

Notwithstanding that the development being constructed includes the sun room and garage, it otherwise accords with the originally approved plans. Consequently it is considered that the approved development has been implemented and constitutes a valid fallback position.

However, there has been a change in policy since the original approvals following the adoption of the Joint Local Development Plan (JLDP) and the current application therefore falls to be considered against current policies, having regard to any valid fallback position there may be.

Cerrigman 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 between buildings coloured on the relevant inset map, or is a site directly adjacent to the curtilage of a coloured building.

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 with the dwelling at an advanced stage of construction, it is therefore a question of whether the proposed amendments represent an improvement to the scheme previously approved.

The proposed amendments include:

- The addition of a sun room to the rear and a detached single garage.

Notwithstanding that the proposal is for an open market dwelling contrary to the provisions of policy TAI 6, in light of the fallback position, the proposed amendments are considered to be acceptable and represent an improvement to the originally approved scheme.

Furthermore, the amendments proposed would not have any additional effect on the qualities and characteristics of the Special Landscape Area (SLA) Parys Mountain & Slopes, and the proposal would be compliant with AMG 2.

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 has been implemented with the dwelling now being at an advanced stage of construction.

The proposed amendments to include a rear sun room and detached garage are 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) 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) The access shall be laid out and constructed strictly in accordance with the submitted plan, Drawing No. 1511-A3-02 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.

(03) The car parking accommodation shall be completed in full accordance with the details as shown on drawing reference 1511-A3-02 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.

(04) 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.

(05) 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 the use hereby permitted is commenced.

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

(06) 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.

(07) 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/Block Plan Existing: 1511-A3-01**
- **Location/Block Plan Proposed: 1511-A3-02**
- **Proposed Elevations: 1511-A3-03**
- **Proposed Ground Floor Plan: 1511-A3-04**
- **Proposed First Floor Plan: 1511-A3-05**
- **Proposed Garage Details: 1511-A3-06**

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, PS4, PS5, PS17, PS19, TRA2, TRA4, PCYFF1, PCYFF2, PCYFF3, TAI6, AMG2, AMG5.

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.