

Application Reference: VAR/2023/37

Applicant: G Roberts

Description: Application under Section 73A for the variation of condition (09) (Approved plans) of planning permission reference VAR/2019/32 (erection of a dwelling) so as to allow for amendments to the design at

Site Address: Yr Erw, 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 within 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 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 5: Sustainable Development

Policy TRA 4: Managing Transport Impacts

Policy TRA 2: Parking Standards

Policy PCYFF 4: Design and Landscaping

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

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 Gary Pritchard	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 observations/objection.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments regarding biodiversity enhancements and lighting.
Polisi Cynllunio / Planning Policy	No comments.
Draenio / Drainage	Comments regarding SuDS requirements.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments / general informatives.
Iechyd yr Amgylchedd / Environmental Health	No observations.

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 26/07/2023.

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

Relevant Planning History

17C126 - Datblygu tir ar gyfer codi tai ar rhan o / Residential development of land part of O.S 4668 near Caerau, Llansadwrn. Gwrthod / Refused 11.5.89

17C126A - Cais amlinellol ar gyfer codi annedd ynghyd a chreu mynedfa newydd ar dir yn / Outline application for the erection of a dwelling together with the construction of a new vehicular access on land at Caerau, Llansadwrn Gwrthod / Refused 2.7.03

17C126B Creu mynedfa newydd ar gyfer cerbydau yn/Construction of a new vehicular access at Caerau, Llansadwrn Caniatau/Granted 6.11.03

17C126C Cais amlinellol ar gyfer codi annedd yn/Outline application for the erection of a dwelling at Caerau, Llansadwrn Gwrthod / Refused 7.10.04

17C126D Cais amlinellol ar gyfer codi annedd ar dir ger/Outline application for the erection of a dwelling on land adjoining Caerau, Llansadwrn Caniatau / Granted 9.3.12

17C126E/DA Cais am faterion a gadwyd yn ôl ar gyfer mynedfa a gosodiad ar dir yn / Application for reserved matters for access and layout on land at Caerau, Llansadwrn Caniatau/Granted 27.3.14

17C126F/DA ais am faterion a gadwyd yn ôl ar gyfer codi annedd ar dir ger / Application for reserved matters for the erection of a dwelling on land adj Caerau, Llansadwrn Caniatau/Granted 2.7.15

17C126G/LUC - Cais am Dystysgrif Datblygiad Cyfreithlon ar gyfer defnydd neu ddatblygiad arfaethedig yn cynnwys gwaith a wnaed ar y fynedfa er mwyn gweithredu caniatâd 17C126F/DA ar dir ger / Application for a Lawful Development Certificate for proposed use or development comprising of works to access undertaken to implement planning permission 17C126F/DA on land adjacent to Caerau, Llansadwrn Cyfreithiol / Lawful 15.10.18

MAO/2021/20 - Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatâd cynllunio VAR/2019/32 er mwyn diwygio edrychiadau arfaethedig yn / Minor amendments to scheme previously approved under planning permission VAR/2019/32 so as to amend proposed elevations at Yr Erw, Llansadwrn - Caniatau/Granted 22.7.21

VAR/20219/32 - Cais dan Adran 73A i amrywio amod (02) (manylion draenio) o ganiatâd cynllunio cyfeirnod 17C126F/DA (cais mewn perthynas â'r materion a gadwyd yn ôl ar gyfer codi annedd) er mwyn galluogi cyflwyno'r manylion yn dilyn cychwyn gwaith yn / Application under Section 73A for the variation of condition (02) (drainage details) of planning permission reference 17C126F/DA (application for reserved matters for the erection of a dwelling) so as to allow for the submission of drainage details following the commencement of works at Yr Erw, Llansadwrn - Caniatau/Granted 24.07.2019

MAO/2023/6 - Mân newidiadau i gynllun sydd wedi ei ganiatáu yn flaenorol o dan caniatâd cynllunio rhif VAR/2019/32 er mwyn diwygio'r dyluniad a deunyddiau allanol yn / Minor amendments to scheme previously approved under planning permission reference VAR/2019/32 so as to amend the design and external materials at Yr Erw, Llansadwrn - Refused/Gwrthod - 18.05.23

FPL/2023/91 - Cais llawn ar gyfer newid defnydd tir o amaeth i greu estyniad i'r cwrtil preswyl ar dir yn / Full application for the change of use of land from agricultural to form an extension to the residential curtilage at Yr Erw, Llansadwrn - Gwrthod/Refused - 06.06.2023

Main Planning Considerations

The principle of the development in this location has already been established under outline planning permission ref 17C126D and the subsequent approval of the reserved matters under application refs 17C126E/DA and 17C126F/DA. Furthermore, a certificate of lawfulness was issued on the 15th October

2018 confirming that the development had been lawfully implemented by virtue of works to the access such that the planning permission for the erection of a dwelling is safeguarded in perpetuity.

A Section 73A variation of condition application was subsequently granted in July 2019 under planning permission reference VAR/2021/32 allowing for the submission of drainage details following the commencement of works and a non-material amendment was approved in July 2021 under application reference MAO/2021/20.

This application seeks approval of amendments to the design of the dwelling.

However, since the adoption of the Joint Local Development Plan (JLDP), Llansadwrn is now identified as a cluster where any new dwelling must be for affordable local need on an infill site. The application is therefore contrary to the provisions of policy TAI 6 of the JLDP; however a fallback position exists since the site benefits from a safeguarded consent for the erection of a 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.

As noted above, the site benefits from a Certificate of Lawfulness confirming that the development has been lawfully implemented by virtue of works to the access such that the planning permission for the erection of a dwelling is safeguarded in perpetuity.

The proposed amendments sought as part of this application are to the design of the dwelling, comprising:

- 0.8m increase in the ridge height
- 1.1m increase in eaves height.
- Front elevation - amendments to door, fenestration, dormer windows and roof lights with roof to extend over front door to create open porch area and the introduction of stone cladding to entire front elevation.
- Rear elevation – amendments to doors and fenestration and introduction of two additional velux windows.
- Side elevation NW – Introduction of two small windows either side of chimney breast at first floor level.
- Side elevation SE – alteration to ground floor door and window, provision of French door with Juliet balcony in lieu of window at first floor level.
- Biodiversity enhancement by provision of two bird boxes on rear elevation to satisfy the Section 6 Duty of the Environment Wales Act 2016

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

That the application is permitted subject to the following conditions:

(01) The vehicle driveways shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining footway.

Reason: In order to minimise danger, obstruction

(02) 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.

(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 the dwelling is occupied.

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

(04) The turning area shall be completed in full accordance with the details as shown on the submitted plan drawing reference AL0006 approved under planning permission reference VAR/2019/32 before the dwelling is occupied and thereafter retained solely for those purposes.

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.

(05) The access shall be laid out and constructed strictly in accordance with the submitted plan, Drawing No. AL0006 approved under planning permission reference VAR/2019/32 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.

(06) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(07) 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.

(08) The surface water drainage systems shall be completed in full accordance with the submitted details, drawing reference AL0006 approved under planning permission reference VAR/2019/32 before the dwelling is occupied.

Reason: To ensure the development is adequately drained and to prevent the increased risk of flooding on and off the site.

(09) 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 approved under planning permission reference 17C126F/DA.**
- **Proposed Site Drainage Plan: AL0002 dated March 2015 approved under planning permission reference 17C126F/DA**
- **Proposed Site Drainage Plan (surface water run-off from vehicular access and parking area only): AL0006 dated 25 October 2016 approved under planning permission reference VAR/2019/32.**
- **Proposed Site Plan**
- **Proposed Elevations**
- **Proposed Ground Floor Plan**
- **Proposed First Floor Plan**

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, PCYFF4, TAI 6.

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: FPL/2023/23

Applicant: Mr Neil Richard Hughes

Description: Full application for the erection of a detached garage together with alterations to the scheme approved under planning application reference 28C257B/DA at

Site Address: Bryn Tawel, Ty Croes



Report of Head of Regulation and Economic Development Service (David Parr-Sturgess)

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

The application is for the erection of a detached garage together with alterations to the scheme approved under planning application reference 28C257B/DA for a new dwelling, a new vehicular access together with associated works on site.

Key Issues

The key issue is whether the proposal would have a negative impact on the previously approved dwelling, the neighbouring dwellings and the surrounding area.

Policies

Joint Local Development Plan

Strategic Policy PS5 – Sustainable Development
TRA 4 – Transport Network Developments
PCYFF1 – Development Boundaries
PCYFF2 – Development Criteria
PCYFF3 – Design and Place Shaping
PCYFF4 – Design and Landscaping
TAI 4 – Housing In Local, Rural & Coastal Villages
AMG5 - Local Biodiversity Conservation

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Technical Advice Note 6 – Planning for sustainable rural communities (2010)

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Neville Evans	No observations to received to date.
Cynghorydd Douglas Massie Fowlie	The councillor requested an update on the application with the determining officer sending an email response and an additional email response when the officers recommendation was being prepared for the planning committee.
Cyngor Cymuned Llanfaelog Community Council	No observations to received to date.
Ymgynghorydd Tirwedd / Landscape Advisor	No observations to received to date.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Requested ecological enhancement and external lighting be conditioned. Agent provided amended plans to show requested ecological enhancement. Enhancements and external lighting will be conditioned if application is approved.
Draenio Gwynedd / Gwynedd Drainage	The IOACC Drainage Team requested proof that the surface water drainage system can accommodate the additional surface water flows. After discussions with the agent, planning department and IOACC Drainage Team the Drainage Team confirmed that the previously approved planning application would discharge surface water into a land drainage ditch and is acceptable for this planning application.
Polisi Cynllunio / Planning Policy	Stated that the determining officer would need to be satisfied that the site has extant planning

	permission for the erection of a dwelling granted permission under previous planning applications this will be a material consideration in the officers assessment of the current proposal. Due to the site being in the open countryside only residential units in line with TAN 6 would be granted permission on the site should there not be a fall-back position based upon the previous permission on the site.
Priffyrdd a Trafnidiaeth / Highways and Transportation	The Highways Authority requested a swept path analysis together with informatives for the applicant. The agent provided the swept path analysis and is considered acceptable.
Dwr Cymru Welsh Water	Requested a condition for surface water from the site not drain to the public sewer system together with advice for applicant.

Publicity

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties, an advert in the local newspaper and a site notice with the expiry date for receiving representations was the 30/05/2023. At the time of writing this report no letters of representation have been received.

Relevant Planning History

MAO/2020/23 - Mân newidiadau i gynllun a gymeradwywyd yn flaenorol o dan ganiatâd cynllunio 28C257A ac amod (02) (Cynlluniau a Ganiatawyd) o faterion a gadwyd yn ôl cais cyfeirnod 28C257B/DA er mwyn diwygio'r dyluniad ar dir ger / Minor amendments to scheme previously approved under planning permission 28C257A and condition (02)(Approved Plans) of reserved matters application reference 28C257B/DA so as to amend the design on land adjacent to - Elstone, Ty Croes. Caniatáu / Permit 21/10/2020

28C257 - Dymchwel yr adeilad presennol ynghyd a codi annedd ac addasu y mynedfa presennol yn / Demolition of existing building together with the erection of a dwelling and alterations to existing access at Workshop near Ty'n Llan, Llanfaelog, Rhosneigr. Gwrthod / Refused 03/07/1998

28C257A - Outline Planning - Cais amlinellol ar gyfer codi annedd yn cynnwys manylion llawn am yr fynedfa i gerbydau ar dir ger / Outline application for the erection of a dwelling together with full details of the vehicular access on land adjacent to - Bryn Maelog, Llanfaelog. Caniatáu / Permit 02/08/2016

28C257B/DA - Reserved Matters - Cais am faterion a gadwyd yn ôl ar gyfer codi annedd a creu fynedfa i gerbydau ar tir cyfagos i / Application for reserved matters for the erection of a dwelling and construction of a vehicular access on land adjacent to - Elstone, Ty Croes. Caniatáu / Permit 31/08/2018

28C257E/DEL - Deletion of Conditions - Cais o dan Adran 73 i dynnu amod (05)(Dim dwr wyneb na draeniad tir i gysylltu â carthffos gyhoeddus) o ganiatâd cynllunio rhif 28C257A (Cais amlinellol ar gyfer codi annedd yn cynnwys manylion llawn am yr fynedfa) ar dir ger / Application under Section - Bryn Maelog, Llanfaelog. Tynnwyd yn ôl / Withdrawn 18/07/2018

Main Planning Considerations

The Joint Local Development Plan (JLDP), Policy TA14 – Housing In Local, Rural & Coastal Villages states proposals for *'open market housing in the following Local, Rural and Coastal Villages will be granted provided they conform to all the following criteria:*

- i. That the size, scale, type and design of the development corresponds with the settlement's character,*
- ii. The site is within the settlement's development boundary.'*

The previously approved outline planning permission reference 28C257A granted planning permission for a new dwelling together with a new vehicle access under previous Local Development Plans with the Reserved Matters planning permission granting permission under the current Joint Local Development Plan.

The application site is located approximately 120m outside the development boundary of Llanfaelog and 180m from the nearest designated housing cluster of Bryn Du. Under current JLDP policies the site would be within the open countryside and the proposed market dwelling would be considered contrary to local and national planning policies.

The principle of developing the site has already been established under planning application reference 28C257A and 28C257B/DA where permission was granted for the erection of a dwelling and the construction of a new vehicular access. Work has commenced on site with the construction of the vehicle access and the dwelling partially erected with work stopped before the erection of the roof.

The main planning considerations is whether the proposed alterations to the dwelling and the proposed new detached garage would have a negative impact on the previously approved dwelling, the neighbouring dwellings and the surrounding area.

- (i) Siting, scale, design and appearance of alterations to dwelling
- (ii) Siting, scale, design and appearance of the proposed garage

(i) Siting, scale, design and appearance of alterations to dwelling

JLDP Policy PCYFF 2 ensures that any proposed development does not have an adverse impact on the health, safety or amenity of occupiers of local residences, other land and property uses.

JLDP Policy PCYFF 3 ensures all proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. The proposals should compliment or enhance the existing site and surrounding area.

The siting and footprint area of the proposed dwelling is the same as the previously approved planning permission with the proposed alterations being the roof ridge height increasing from 6.6m to 7.7m, the two dormer windows on the front elevation will be roof lights within the slope of the roof, a roof overhang will extend over the entrance porch of the dwelling, the rear roof dormer will be removed and the design of the roof altered to allow a smaller roof slope. The design and appearance of the dwelling is very similar to the previously approved dwelling with the two pitched slate roof and rendered walls matching neighbouring properties together with its appearance on site being similar in scale and character to the neighbouring properties.

The previously approved planning permission granted planning permission for a rear first floor balcony which did not include any screening to prevent overlooking into neighbouring properties gardens to the East and West. The proposed first floor rear balcony of the dwelling will be in the same location and has been altered to include obscure glazed screening which will prevent overlooking into neighbouring properties.

The proposed dwellings siting, scale, design and appearance is considered acceptable as it would not have a negative impact on existing site, neighbouring properties and complies with planning policies PCYFF 2 and PCYFF 3 of the JLDP.

(ii) Siting, scale, design and appearance of the proposed garage

The previously approved planning permission for the dwelling did not include the construction of a garage building. The proposed detached garage as part of this planning permission will be sited within 1.8m of the dwelling and 1.2m from the boundary wall shared with neighbouring property 'Bryn Maelog'. The boundary wall measures more than 2m in height with Bryn Maelog's first floor gable window overlooking the application site being located approximately 5.3m from the boundary.

The scale of the proposed garage measures 5.7m in width, 6.2m in length, 2.8m to the roofs eaves and 4.8m to the roof ridge. The garage will have a two pitched slate roof with a single garage door together with a single door and window.

The proposed garage's siting, scale, design and appearance is considered acceptable as it would not have a negative impact on existing site, neighbouring properties and complies with planning policies PCYFF 2 and PCYFF 3 of the JLDP.

Conclusion

The application is contrary to Policy TA14 of the Joint Local Development Plan but has been safeguarded through commencement of works on site complying with previously approved planning permissions 28C257A and 28C257B/DA.

The amendment to the previously approved new dwelling and proposed new detached garage is considered acceptable as it complies with Policies PCYFF2, PCYFF3 of the Joint Local Development Plan and the guidance within the SPG - Design Guide for the Urban and Rural Environment (2008)

Recommendation

That the application is permitted subject to the following conditions:

(01) 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 – 2311-A3-02 – Dated January 2023 – Received 21/06/2023**
- **Proposed Elevations - 2311-A3-03 – Dated January 2023 – Received 26/04/2023**
- **Proposed Ground Floor Plan - 2311-A3-04 – Dated January 2023 – Received 26/04/2023**
- **Proposed First Floor Plan - 2311-A3-05 – Dated January 2023 – Received 26/04/2023**
- **Proposed Plan of Garage - 2311-A3-06 – Dated January 2023 – Received 26/04/2023**
- **Proposed Elevations of Garage - 2311-A3-07 – Dated January 2023 – Received 26/04/2023**

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

(02) Prior to the use of the balcony hereby approved the balcony screen at first floor level on the proposed West and East elevations as labelled on the drawing Proposed Elevations - 2311-A3-03 – Dated January 2023 – Received 26/04/2023 shall be 1.8 metres in height, be fitted with obscure glazing (level 5 obscurity level) and thereafter shall be retained as such for the lifetime of the development hereby approved.

Reason To safeguard the residential amenities of occupants of the adjacent residential property.

(03) Prior to the use of the dwelling and garage hereby approved the bird nest boxes, swift nest cup and bat boxes shall be installed on the buildings as per drawings Proposed Elevations - 2311-A3-03 – Dated January 2023 – Received 26/04/2023 and Proposed Elevations of Garage - 2311-A3-07 – Dated January 2023 – Received 26/04/2023 and thereafter shall be retained as such for the lifetime of the development hereby approved.

Reason: To help conserve and safeguard biodiversity.

(04) 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.

(05) The access shall be laid out and constructed strictly in accordance with the submitted plan Location / Block Plan – 2311-A3-02 – Dated January 2023 – Received 21/06/2023 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 ensure visibility at the access.

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

Reason: In the interests of amenity.

(07) The access shall be constructed with 2.4 meter by 90 metre splays on either side. Within the vision splay lines nothing exceeding 1 meter in height above the level of the adjoining carriageway shall be permitted at any time.

Reason: To ensure visibility at the access.

(08) The highway boundary wall/hedge/fence or any new boundary erected fronting the highway shall at no time be higher than 1 meter above the level of the adjoining county road carriageway along the whole length of the site's boundary with the adjoining highway and nothing exceeding this height erected within 2m of the said wall.

Reason: To ensure visibility at the access.

(09) The access shall be completed with a bitumen surface for the first 5 meters from the nearside edge of the County Highway with the surface water drainage system completed and operational before the use hereby permitted is commenced.

Reason: In the interests of amenity.

(10) No surface water from the within the curtilage of the site to discharge onto the county highway.

Reason: To ensure that the site is satisfactorily drained.

(11) The detached garage hereby permitted shall only be used as a private garage incidental to the enjoyment of the adjoining residential dwelling and for no commercial or business use whatsoever.

Reason: To ensure that inappropriate uses do not take place in this locality.

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: PS5, TRA4, PCYFF 1, PCYFF2, PCYFF 3, PCYFF 4, TAI 4, AMG 5

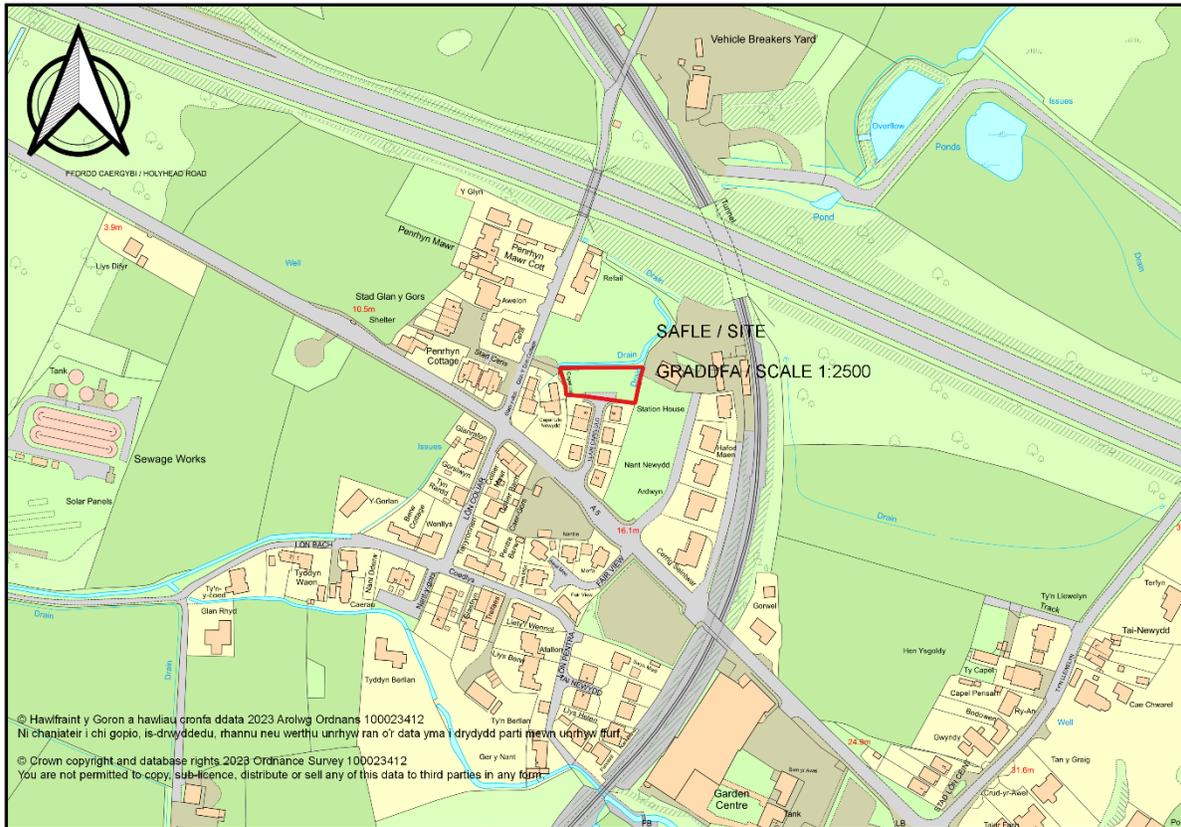
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2023/15

Applicant: Straight Development Limited

Description: Application under Section 73 for the variation of condition (06) (Approved Plans) of planning permission reference VAR/2018/14 (Erection of 3 dwellings on plots 8, 9 & 10) so as to amend the siting and orientation of the 3 dwellings at

Site Address: Llain Capelulo, Pentre Berw, Gaerwen



Report of Head of Regulation and Economic Development Service (Colette Redfern)

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

The site lies within a private residential estate, comprising of detached two storey properties, within the settlement of Pentre Berw, the majority of the properties have been completed. Pentre Berw is identified

as a Cluster under Policy TAI 6 of the Anglesey and Gwynedd Joint Local Development Plan and the site lies outside the development boundary.

The proposal entails the repositioning of two of the units in order to provide an easement for the statutory undertakers apparatus. This will result in Plot 9 (centre of the site to be positioned with its gable fronting the estate road and Plot 10 will be repositioned with its rear fronting the side of the existing adjoining property (Plot 8).

There are no alterations proposed to the design of the units.

Key Issues

The applications key issue is the existence of the fallback position (extant planning consent), what likelihood exists of the extant permission coming forward and that any harm that is generated by the extant permission being balanced against the proposed scheme and any improvement or betterment the proposal offers over and above the fall-back position.

Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI6 – Housing in Clusters

Response to Consultation and Publicity

Consultee	Response
Awdurdod Glo / Coal Authority	Standard comments / informatives
Cyfoeth Naturiol Cymru / Natural Resources Wales	No comments
Cyngor Cymuned Llanfihangelesceifiog Community Council	No observations/objection
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments
Adain Dechnegol (Draenio) / Technical Section (Drainage)	No response
Polisi Cynllunio / Planning Policy	Comments
Cynghorydd Dafydd Roberts	No response
Cynghorydd Alwen Pennant Watkin	No response
Strategol Tai / Housing Strategy	No comments
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Amended details acceptable
Ymgynghoriadau Cynllunio YGC	Standard comments

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties, site notice was placed near the site and the publication of a notice in the local press. The latest date for the receipt of any representation was the 12/07/2022. At the time of

writing this report 2 letters of representation had been received at the department from the occupants of the neighbouring property. The main issues raised can be summarised as follows;

i. Overlooking from the first floor windows.

During the course of determining the application the applicant has been in discussions with the owner of the neighbouring property and amended the scheme with the installation of obscure glazing in one of the first floor windows which lies closest to the adjoining property.

Following discussions with the applicant and the subsequent amendments to the proposed scheme, there is a duty to re-notify neighbours and the latest date for the receipt of any representation is 08/09/2023.

Relevant Planning History

33C102G - Full application for the erection of 3 dwellings at Herb Garden - Granted 26/06/08

33C102K/LUC - Application for a Certificate of Lawfulness for the proposed use for the erection of 3 dwellings at The Herb Garden, Pentre Berw - Lawful - 29/11/18.

VAR/2018/14 - Application under Section 73A for the variation of condition (07)(Approved Plans) from planning permission reference 33C102G (Erection of 3 dwellings on plots 8, 9 & 10) so as to allow plots 8 & 10 to increase in size and amend site orientation to become 4 bed dwellings together with amending parking layouts at - Plots 8, 9 & 10, The Herb Garden, Llain Capelulo, Pentre Berw, Gaerwen - Permit 07/03/19

Main Planning Considerations

Pentre Berw is identified as a Cluster in the Joint Local Development Plan which allows the erection of affordable houses for local need on a site between or on the edge of a coloured building as shown on the Inset Map.

Full planning permission has been granted on the site under planning application reference 33C102G which was approved on the 26/6/08 and a subsequent certificate of lawfulness application was proved lawful on the 29/11/18 under planning application reference 33C102K/LUC.

The application seeks the variation of condition (06) of planning permission VAR/2018/14 so as to allow the re-positioning of the plots within the site and the re-positioning of plot 8.

The front elevation of plot 8 will be at an angle and will front the side of the existing dwelling, also known as 8 Llain Capelulo. One of the first floor dormer windows (bedroom 3) which will front the side elevation of the adjoining property known as 8 Llain Capelulo will be of obscure glazing to ensure the proposal will not have an impact on the amenities currently enjoyed by the occupants of the property.

Policy Context – The principle of the erection of three dwellings on the site has been established under planning application 33C102G and later certificate of lawfulness application was proved lawful under planning application 33C102K/LUC.

Joint Local Development Plan – Pentre Berw is identified as a cluster where housing proposals can be supported for affordable housing for local need between or adjacent to buildings coloured on the Inset Map under Policy TAI 6.

The application currently under consideration does not comply with the requirements of Policy TAI 6 as the dwellings are open market houses. However, as the application site has an extant planning permission the following must be considered:-

- Is there a likelihood that the existing permission can be implemented.

- Are the amendments to the permission better than that previously approved.

Drainage works has commenced on the application site and the permission has been proved lawful under planning application 33C102K/LUC; therefore, it is likely that the permission will be implemented.

The amendments proposed are not considered to be a deterioration of that approved under the previous permission.

Affect on amenities of surrounding properties.

Neighbouring properties have been notified of the proposed development and concerns were raised originally that the proposal would result in overlooking to their property. As stated above an amended scheme has been submitted and the publicity process carried out again and at the time of writing this report no further representations had been received at the department. Whilst plot 8 will front the side and rear garden of the existing dwelling it is not considered that the proposal will have a detrimental impact on the amenities currently enjoyed by the occupants of the dwelling.

Conclusion

The application is contrary to Policy TAI 6 of the Joint Local Development Plan; however, the fallback position is that the application site has an extant planning permission for 3 dwellings.

The amendments proposed is not considered to be a deterioration of that approved under the previous permission and does not have an impact upon the adjacent residential properties over and beyond what has previously been approved on the application site.

Recommendation

That the application is permitted subject to the following conditions:

(01) 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

AO/HG/01 - Plot 8 elevations

AO/HG/02 - Plot 8 elevations

AO/HG/03 - Plot 8 ground floor plan

AO/HG/04 - Plot 8 first floor plan

AO/SP/01 - Site plan

A1807 2100 Rev. B - Plot 9 plans and elevations

A1807 2101 Re. A - Plot 10 plans and elevations

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

(02) Natural slates of uniform colour shall be used as the roofing material of the proposed building(s).

Reason: To ensure a satisfactory appearance of the development.

(03) Full details of all fencing, walling or other means of enclosure or demarcation shall be submitted to and approved in writing by the local planning authority before any work on the site is commenced, unless otherwise agreed in writing with the local planning authority. Such works shall be erected following completion of the building(s) or the completion of the development, whichever is the sooner.

Reason: To ensure a satisfactory appearance of the development.

(04) Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

(05) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(06) Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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 2, PCYFF 3 and TAI 6.

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.