

Application Reference: FPL/2023/359

Applicant: Mr. Chris Owens

Description: Full application for amended plans for the erection of a dwelling previously approved under planning permission reference FPL/2021/47 on land adjacent

Site Address: Pen Bryn, Rhosmeirch



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

This is a full application for amended plans for the erection of a dwelling previously approved under planning permission reference FPL/2021/47 on land adjacent to Pen y Bryn, Rhosmeirch.

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 17: Settlement Strategy
Strategic Policy PS 16: Housing Provision
Policy TRA 2: Parking Standards
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
Policy AMG 5: Local Biodiversity Conservation
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Planning Policy Wales (Edition 12, February 2024)

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 Paul Charles Ellis	No response at the time of writing the report.
Cynghorydd Dylan Rees	No response at the time of writing the report.
Cynghorydd Non Lewis Dafydd	No response at the time of writing the report.
Cyngor Tref Llangefni Town Council	No objection.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No comments.
Dwr Cymru Welsh Water	Comments/conditions
Draenio / Drainage	Comments regarding SuDS and flood risk.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Comments regarding ecology and biodiversity.
Swyddog Llwybrau Troed / Footpaths Officer	Comments.
GCAG / GAPS	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 as 26/01/2024.

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

Relevant Planning History

34C716 - Outline application for the erection of a dwelling with all matters reserved on land near - Pen Y Bryn, Rhosmeirch – Granted 19/6/17

RM/2020/9 - Application for reserved matters for the erection of dwelling on land adj - Pen Bryn, Llangefni – Granted 7/8/20

FPL/2021/47 - Cais llawn ar gyfer cynlluniau diwygiedig ar gyfer codi annedd a ganiatawyd gynt dan cais amlinellol rhif 34C716 a cais materion a cadwyd yn ôl rhif RM/2020/9 ar dir ger / Full application for amended plans for the erection of a dwelling previously approved under outline application reference 34C716 and reserved matters application reference RM/2020/9 on land adjacent to Pen Bryn, Rhosmeirch - Caniatau/Granted - 24/06/2021

LUE/2023/23 - Cais am Dystysgrif Cyfreithlondeb o ddatblygiad presennol mewn perthynas a cychwyn gwaith materol ar ganiatad cynllunio rhif FPL/2021/47 ar dir ger / Application for a Certificate of Lawfulness of existing development in relation to a material start having been made on planning permission reference FPL/2021/47 on land adjacent to Pen Bryn, Rhosmeirch - Cyfreithiol/Lawful - 05/10/2023

Main Planning Considerations

The application is made for amended plans for the erection of a dwelling previously approved under planning permission reference FPL/2021/47 at Pen Bryn, Rhosmeirch.

In October 2023 a Lawful Development Certificate was granted under reference LUE/2023/23 which established that a lawful material start had been made on the development thereby safeguarding the planning permission in perpetuity.

Since the adoption of the Joint Local Development Plan, Rhosmeirch is identified as a Cluster under the provision of Policy TAI 6 where new dwellings will be approved providing there is a need for an affordable house for local need.

However, there is a fallback position of an extant and lawful planning permission for the erection of an open market dwelling on the land. Therefore 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 benefits from a Lawful Development Certificate which safeguards the permission in perpetuity.

The proposed amendments include:

- Amendments to the site boundaries, siting, design and means of access.

The proposed plot is extended to the North East, utilising a section of the field previously left vacant. Public footpath number 17 runs between the plot and Pen Y Bryn to the North East and will be demarcated by a 1.2m high boundary fence.

The proposed dwelling will be re-sited centrally within the plot and the access relocated from the Northern to the Southern corner of the site.

There are also amendments to the design of the proposed dwelling from a red brick dormer bungalow with attached double garage to a two storey facing brick and painted render dwelling with attached single garage.

The proposed amendments are considered to be acceptable in terms of scale, siting, design and are considered to be of a higher quality an improvement to the previously approved scheme which is more in keeping with the generally form of development in the locality.

The Highways Department have been consulted in relation to the revised means of access and have raised no objections.

The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

In accordance with the requirements of Policy AMG5 of the Joint Local Development Plan, Chapter 6 of the Environment Wales Act and the latest advice in PPW the proposal ensures that no existing trees will be affected by the development. The proposal includes a Green Infrastructure Statement, new planting and landscaping, bat and bird boxes. It is considered that the proposal is acceptable and complies with the requirements of Policy AMG5, the Environment Wales Act and the latest changes to Chapter 6 of PPW.

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 lawfully implemented and benefits from a Lawful Development Certificate.

The proposed amendments to the site boundary, siting, design and means of access 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) The development shall begin not later than five years from the date of this decision.

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

(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) No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and include a detailed design outlining the measures proposed to accommodate the public sewer. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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) 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, Drawing No. SHA-403-03(E) 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) The car parking accommodation shall be completed in full accordance with the details as shown on drawing reference SHA-403-03(E) 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.

(07) 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.

(08) 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.

(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.

- **Site Location Plan: SHA-403-01(A)**
- **Site Layout Plan: SHA-403-03(E)**
- **Proposed Plans & Elevations: SHA-403-02(A)**
- **Green Infrastructure Statement, Cambrian Planning, December 2023**

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, PS5, PS17, PS16, PS19, TRA2, AMG5, TAI6.

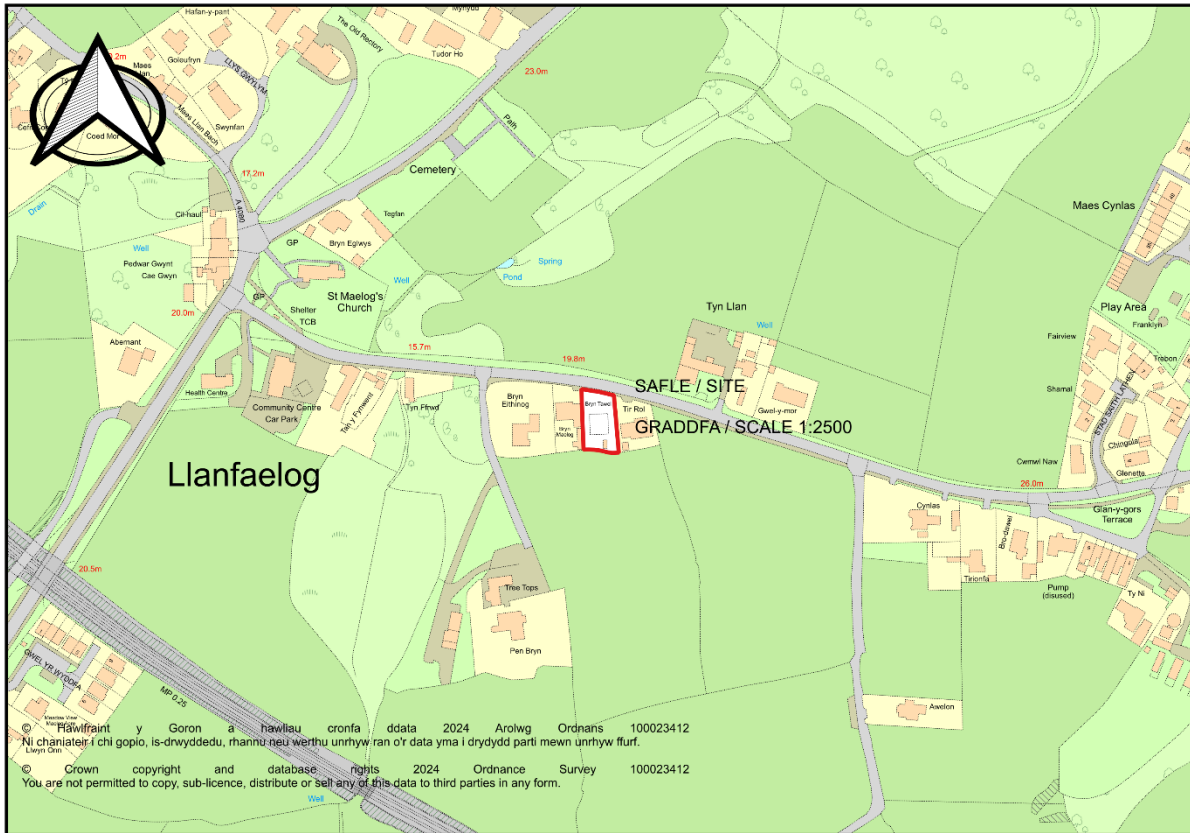
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: VAR/2024/9

Applicant: Mr. Neil Richard Hughes

Description: Application under Section 73 for the variation of condition (02) of planning permission reference FPL/2023/23 (erection of a detached garage together with alterations to the scheme approved under planning application reference 28C257B/DA) so as to amend the siting of the garage 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 the variation of condition (02) of planning permission reference FPL/2023/23 (erection of a detached garage together with alterations to the scheme approved under planning application reference 28C257B/DA) so as to amend the siting of the garage.

Key Issues

The key issue is whether the proposal would have a negative impact on the previously approved dwelling and garage, 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 12, February 2024)

Response to Consultation and Publicity

Consultee	Response
Draenio / Drainage	As the application does not propose to make any changes to the surface water drainage previously approved the Drainage Team have no objections to this application.
Prifffyrdd a Trafnidiaeth / Highways and Transportation	No objection to the application and informatives for the applicant.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No major concerns to the new location of the garage and requested external lights and ecological enhancements be sited correctly on the plans.
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.
Cynghorydd Douglas Massie Fowlie	Requested confirmation that the garage cannot be used as a residential dwelling. The determining officer confirmed that the garage would be conditioned to be used a garage ancillary to the dwelling and for no other use.
Cynghorydd Neville Evans	No observations received to date.
Cyngor Cymuned Llanfaelog Community Council	No observations received to date.
Polisi Cynllunio / Planning Policy	No observations to make on the application.

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 01/03/2024. At the time of writing this report no letters of representation have been received.

Relevant Planning History

FPL/2023/23 - Full application for the erection of a detached garage together with alterations to the scheme approved under planning application reference 28C257B/DA at Bryn Tawel, Ty Croes.- Permit 07/09/2023

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 - 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 application for the erection of a dwelling together with full details of the vehicular access on land adjacent to - Bryn Maelog, Llanfaelog. Permit 02/08/2016

28C257B/DA - Application for reserved matters for the erection of a dwelling and construction of a vehicular access on land adjacent to - Elstone, Ty Croes. Permit 31/08/2018

28C257E/DEL - Deletion of Conditions (05) No surface water to connect to public sewage system from planning permission 28C257A - Withdrawn 18/07/2018

28C354A - Section 73 for removal of condition (05) No surface water to connect to public sewage system from planning permission 28C257A - Approved 5/6/06 -

S106/2022/6 - Application for the variation of Section 106 Agreement, in order to amend the land that was included as part of the property, of planning permission 28C354A at Glan y Gors, Ty Croes - Approved 20/9/23.

Main Planning Considerations

The Joint Local Development Plan (JLDP), Policy TAI4 – 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.'*

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 last application approved on the site was planning permission reference FPL/2023/23 which granted alterations to the dwelling and a new detached garage.

The main planning considerations is whether re-positioning the garage on site would have a negative impact on the previously approved dwelling and garage, the neighbouring dwellings and the surrounding area.

Main Planning Considerations

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

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 previous planning permission reference FPL/2023/23 granted approval for the construction of a detached garage building. The detached garage as part of this planning permission would be sited close to the Western boundary of the site within 1.8m of the dwelling and 1.2m from the boundary wall shared with neighbouring property 'Bryn Maelog'. The scale of the garage measured 5.7m in width, 6.2m in length, 2.8m to the roofs eaves and 4.8m to the roof ridge. The garage would have a two pitched slate roof with a single garage door together with a single door and window.

The proposed new siting of the garage would be closer to the Eastern boundary of the site, have a covered entrance hallway connecting the garage to the dwelling and would be 1.9m from the boundary wall shared with neighbouring property 'Tir Rol'. The scale of the proposed garage is 5.7m in width, 6.2m in length, 2.8m to the roofs eaves and 4.8m to the roof ridge. The garage would 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.

Ecology/Green Infrastructure

Strategic Policy PS19 and Policy AMG5 of the JLDP states that proposals must enhance biodiversity, the proposal includes bird and bee boxes within existing mature trees on the boundary of the site.

The updated advice in Chapter 6 of Planning Policy Wales (PPW) is to apply a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks, and deliver net benefits for biodiversity. The first priority is to avoid damage to biodiversity in its widest sense and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

The proposal includes 2 no Schwelgar Bat Box, 4 no Schwegler bird box and 1 Schwegler Swift cup, all of which are shown on the proposed plans

The proposal is in accordance with the requirements of Policy AMG5 of the Joint Local Development Plan, Chapter 6 of the Environment Wales Act and the latest advice in PPW.

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, 28C257B/DA and FPL/2023/23.

The amendment to the previously approved 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 with planning permission VAR/2024/9**
- **Proposed Elevations - 2311-A3-03 – Dated January 2024 – Received 08/03/2024 - Received with planning permission VAR/2024/9**
- **Proposed Ground Floor Plan - 2311-A3-06 – Dated January 2024 – Received with planning permission VAR/2024/9**
- **Proposed First Floor Plan - 2311-A3-05 – Dated January 2023 – Received 26/04/2023 - Received with planning permission FPL/2023/23**

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 2024 – Received 08/03/2024 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 drawing Proposed Elevations - 2311-A3-03 – Dated January 2024 – Received 08/03/2024 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 with planning permission VAR/2024/9 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 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.