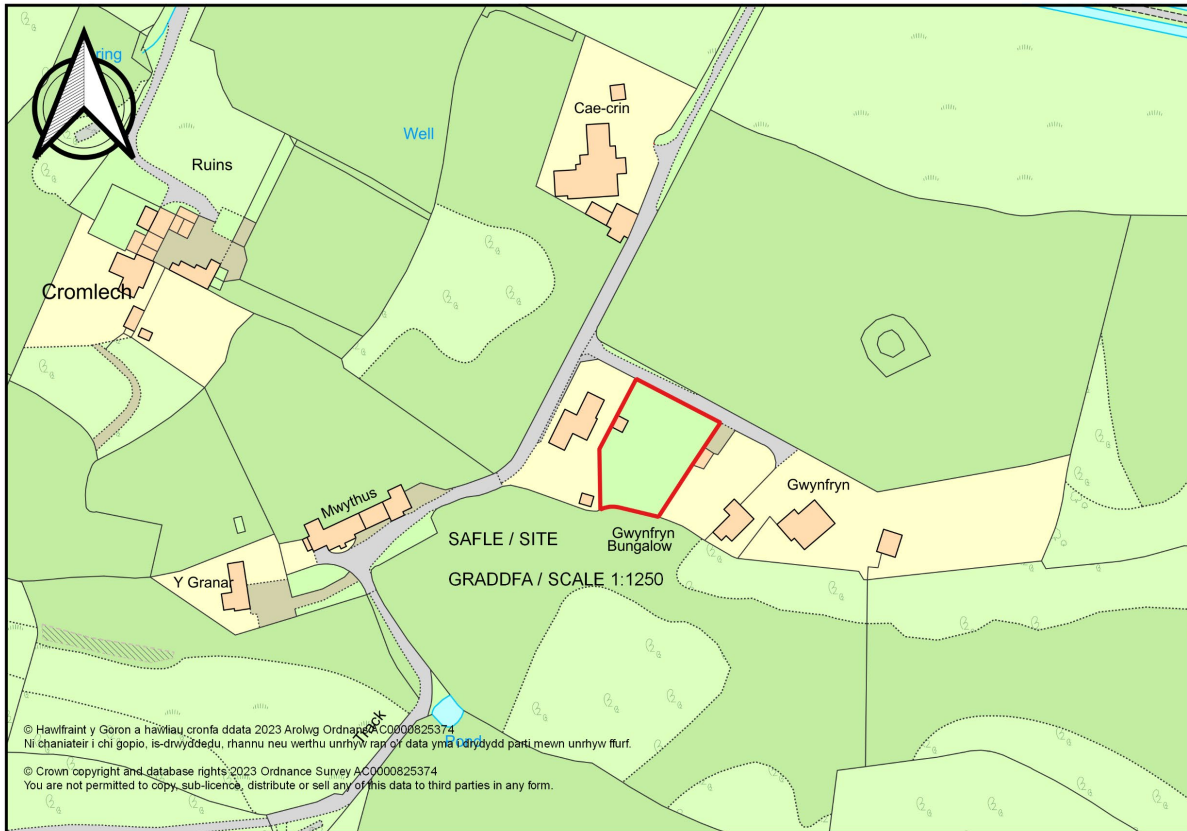


Application Reference: VAR/2023/18

Applicant: Graham Milner

Description: Application under Section 73 for the variation of condition (01) of planning permission reference 43C54G/VAR (erection of a dwelling) so as to allow a further 5 years to commence development at

Site Address: Gwynfryn Lodge, Rhoscolyn



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

Recommendation: Permit

Reason for Reporting to Committee

The application constitutes a departure from the Joint Local Development Plan and the department are minded to approve.

Proposal and Site

The site is location in the coastal open countryside of the Rhoscolyn area, with access to the site provided via a single width private lane which also forms means of access to several properties. The site itself is a grassed plot, which is sandwiched between 2 other residential properties. The site includes a

relatively steep gradient, rising from the road towards the back of the site. The site benefits from valid planning permission for the erection of a single dwelling under application reference 43C54C/DA and 43C43B, which has also been safeguarded in perpetuity by virtue of a certificate of lawful use granted under 43C54E. Subsequent permission was given for an amended design under application 43C54F, with the lifetime of this permission having been extended for an additional 5 years under 43C54G/VAR.

This application is made to further extend the lifetime of the permission only.

Key Issues

The key issue is whether it is considered acceptable to further extend the lifetime of the permission in light of current policies.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries
 Policy PCYFF 2: Development Criteria
 Policy PCYFF 3: Design and Place Shaping

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Trefor Lloyd Hughes	No response.
Cynghorydd Keith Robert Roberts	No response.
Cynghorydd Dafydd Rhys Thomas	No response.
Polisi Cynllunio / Planning Policy	General policy context provided.
Cyngor Cymuned Rhoscolyn Community Council	No response.

Publicity was afforded to the scheme by the posting of personal letters to occupiers of neighboring properties together with the placing of a site notice in the vicinity of the site together with an advert in the local press. At the time of writing this report, one letter of objection has been received at the department, the contents of which raised the following points;

- Site has been used as camping site.
- Site is unsuitable for dwelling

In response to these points;

- Legal advice was sought regarding this matter as it was concluded *****
- This application is made purely to extend the lifetime of a permission on a site which includes a permission safeguarded in perpetuity. As such, the principle of the development has been established and safeguarded and consequently is not up for contention as part of this application.

Relevant Planning History

43C54B - Erection of a bungalow on land adjoining Gwynfryn Lodge, Rhoscolyn. Approved 11/6/1991

43C54C/DA - Detailed plans for the erection of a bungalow on land adjacent to Gwynfryn Lodge, Rhoscolyn. Approved 20/02/1992

43C54D - Application for a certificate of lawfulness to show that a material start has been made on planning permission 43C54C\DA on land adjacent to Gwynfryn Lodge, Rhoscolyn. Withdrawn.

43C54E - Application for a certificate of lawfulness to show that a material start has been made on planning permission 43C54C\DA on land adjacent to Gwynfryn Lodge, Rhoscolyn. Approved 25/5/2012

43C54F - Full application for amended plans for the erection of a dwelling together with the construction of a cesspit on land at Gwynfryn Cottage, Rhoscolyn. Approved 26/4/2013.

43C54G/VAR - Application under Section 73 for the variation of condition (01) of planning permission reference 43C54F (erection of a dwelling) so as to allow a further 5 years to commence development at Gwynfryn Lodge, Rhoscolyn. Approved 29/5/2018.

Main Planning Considerations

Principle of Development

An overview of the site history has been provided earlier of this report, with the main points to consider as following;

- 43C54E safeguards permission for a dwelling on site in perpetuity.
- Permission for an amended design was permitted under 43C54F and later extended under 43C54G/VAR.

As such, it is considered the main issue for this application is the acceptability of the design. No significant amendments have occurred to the policy context surrounding design to such an extent where the department would reach a different conclusion to what was determined on application 43C54F. As the site benefits from a lawful use certificate for the erection of a dwelling, it is not considered that the principle of the development is in contention. Due to the above, the department are obliged to recommend grant of this application and a subsequent additional 5 years to commence the development.

Conclusion

There are no valid reasons to oppose the development and therefore will be recommended for approval.

Recommendation

That the application is permitted subject to the following conditions:

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

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

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

- **Site Location Plan / D-1062-D4-12-PL19**
- **Topographic Survey / D-1062-4-12-PL02 1012**
- **Site Sections / D-975-07-10- PL03 1012**
- **Site Layout Plan / D-1062-4-12-SS02 0612**
- **Proposed Sections / D-1062-4-12-PL08 1012**
- **Sections A-A & B-B Gwynfryn Cottage Gwynfryn Rhoscolvn / 12_128/02 21/12/12**
- **Proposed Plans / D-1062-4-12-PL05 1012**
- **Proposed Elevations Sheet 1 / D-1062-4-12-PL06 1012**
- **Proposed Elevations Sheet2 / D-1062-4-12-PL07 1012**

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

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

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(04) No development shall commence until full details of all external materials and finishes (which shall include such details for all building(s)), hard landscaped areas, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(05) The external elevations of the development shall where specified on the plans hereby approved be finished with a local natural stone or a stone of equivalent colour texture and weathering characteristics. No development shall commence until samples of the natural stone have been submitted to and approved in writing by the Local Planning Authority. The details approved under this planning condition must thereafter be adhered to.

Reason: In the interests of visual amenities of the locality also to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty.

(06) No development shall take place until a scheme of landscaping and tree planting for the application site has been submitted to and approved in writing by the Local Planning Authority. The scheme approved under the provisions of this condition shall be implemented not later than the first planting season following the occupation of the dwelling.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(07) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interest of the visual amenities of the locality, the Area of Outstanding Natural Beauty and to secure an ecological enhancement.

(08) Notwithstanding the plans hereby approved no development shall take place until details of the proposed slab level(s) of the building(s) in relation to the existing and proposed levels of the application site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) and the proposed site levels of the application site shall be constructed in accord with the details to be approved under the provisions of this condition.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

(09) All foul drainage shall be contained within a sealed and watertight cesspool, which shall be fitted with a level warning device to indicate when the tank is full. The dwelling hereby approved shall not be occupied until the cesspool has been installed and is fully operational.

Reason: To ensure that foul drainage arrangements for the proposed development are satisfactory.

(10) The car parking accommodation shall be completed in full accordance with the details as submitted before the dwelling(s) or flat(s) to which it relates is occupied and shall 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.

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: TRA2, PS5, PCYFF1, PCYFF2, PCYFF3, PCYFF4, PS17, AMG1, AMG3 and 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.