

Application Reference: FPL/2023/193

Applicant: Mr A and E Hughes

Description: Full application for the erection of a dwelling together with alterations to the existing access on land adjacent

Site Address: Arwel, Llanddona



**Report of Head of Regulation and Economic Development Service (Gwen Jones)**

**Recommendation:** Permit

**Reason for Reporting to Committee**

The planning application has been presented to the planning committee as the proposal is a departure from the Joint Local Development Plan in which officers are minded to approve.

**Proposal and Site**

This is a full application for the erection of a dwelling together with alterations to the existing access on land adjacent Arwel, Llanddona.

## Key Issues

The key issues are as follows:-

- Safeguarded consent for a dwelling on the site
- Policy considerations
- Design
- Highways
- Ecology and Landscape
- Impact on adjacent residential properties

## Policies

### Joint Local Development Plan

Strategic Policy PS 1: Welsh Language and Culture  
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility  
Strategic Policy PS 5: Sustainable Development  
Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change  
Policy PCYFF 1: Development Boundaries  
Policy PCYFF 2: Development Criteria  
Policy PCYFF 3: Design and Place Shaping  
Policy PCYFF 4: Design and Landscaping  
Policy TAI4: Housing in Local, Rural and Coastal Villages  
Policy AMG 5: Local Biodiversity Conservation  
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment  
Policy TRA 2: Parking Standards  
Policy TRA 4: Managing Transport Impacts

Supplementary Planning Guidance - Planning and the Welsh Language (2007)  
Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)  
Supplementary Planning Guidance - Maintaining Distinctive and Sustainable Communities (2019)

Planning Policy Wales (Edition 11, February 2021)

Technical Advice Note 5: Nature Conservation and Planning (2009)  
Technical Advice Note 12: Design (2016)  
Technical Advice Note 18: Transport (2007)  
Technical Advice Note 20: Planning and the Welsh Language (2017)

## Response to Consultation and Publicity

Consultee	Response
Cynghorydd Gary Pritchard	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	Conditional Approval
Cynghorydd Carwyn Jones	Applications on this section of Llanddona is very sensitive locally. As this is an application for lawful use outside development boundary it is important to keep to the proposal as close as possible to what was approved. Concern locally that the orientation of the dwelling will impact neighbouring properties.

Cynghorydd Alun Roberts	No response at the time of writing report.
Cyngor Cymuned Llanddona Community Council	No objection
Draenio Gwynedd / Gwynedd Drainage	Sylwadau safonol mewn perthynas a'r angen am SuDS
Polisi Cynllunio / Planning Policy	No response at the time of writing report.
Priffyrdd a Trafnidiaeth / Highways and Transportation	The proposal does not comply with the requirements of TAN18; however, the applicant have made improvements to the access that has already been safeguarded. It is considered that the amendments to the access will be an improvement to the safeguarded consent and considered acceptable.
Iechyd yr Amgylchedd / Environmental Health	Standard advice in relation to hours of construction.
Dwr Cymru Welsh Water	Conditional Approval

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. A notice was placed in the local newspaper and a notice placed on site. The latest date for the receipt of any representation was the 29/11/23. At the time of writing this report, 6 letters of representation had been received at the department.

The main comments for objecting as follows:-

- Site outside the development boundary
- Dwelling is larger and on a different footprint to that previously approved
- Is a way to circumvent the development plan
- Drawing do not show the development opposite the site
- Impact on amenities of adjacent residential properties
- This application should be treated as a new planning application and works to the foundations should not be taken into account
- Does not fit in with the area and will impact the character of the village
- Impact on AONB adjacent
- Increase in traffic and on the lane and access considerations
- No landscaping proposed
- Not enough biodiversity enhancements
- Materials used not local
- Construction Traffic Management Plan comprehensive but there will still be issues with contractors vehicles
- Publicity carried out not sufficient – no notice placed on site
- Formal complaint with previous application and queries with works completed on site.
- Increase in holiday homes and second homes
- No need for further dwelling in the area
- This should be dealt with as a replacement dwelling and should be no greater than 20% of what exists
- Set a precedent

In response to the objections:-

- The application site is outside of the development boundary; however, there is a safeguarded consent on the land for a dwelling.

- The dwelling is larger and the footprint is different; however, consideration has been given to this and will be elaborated in the main report.
- It is not considered that this planning application circumvents the development plan
- The plans do not need to show other developments nearby
- The impact on adjacent residential properties will be elaborated further in the main report.
- This application is treated as a new planning application; however, consideration must be given to the fallback position i.e – the safeguarded planning consent for a dwelling
- The design and scale of the dwelling will be considered in the main report
- It is not considered that the proposal will have a negative impact upon the character of the village due to a variety of different scale and design of dwellings in the immediate area.
- It is not considered that this dwelling will impact the AONB.
- It is not considered that this proposal will impact the lane or access road. Improvements have been made to the access to provide improvements to that previously approved. The Highways Authority has confirmed that they are supportive of the planning application.
- Planting is proposed as part of the planning application as well as a bat box and two swift boxes. This is an improvement to the safeguarded consent.
- There is a range of different types of materials in the immediate area, the materials used are typical materials and fit in with the general form of development in the area.
- The Highways Department are satisfied with the CTMP
- Neighbouring properties were notified of the development and a site notice was placed in the newspaper and on site.
- The formal complaint and previous consent is not a consideration for this planning application.
- This is a planning application for a residential dwelling and not a holiday home
- There is a safeguarded consent on the land for a dwelling
- The proposal is not considered under the replacement dwelling policy as the consented dwelling has not yet been built.
- It is not considered that this planning application will set a precedent.

### **Relevant Planning History**

22C21 – Demolition of wooden chalet and erection of a new dwelling – Approved 4/6/86

22C/21/A/DA - Detailed plans for the erection of a bungalow – Permitted 8/3/88

LUE/2023/11 - Application for a Lawful Development Certificate for the existing use in relation to a material start having been made on permission 22C21 and 22C21A/DA (the erection of a dwelling) thus safeguarding the consent at Arwel, Llanddona – Lawful 23/5/23

### **Main Planning Considerations**

#### **Proposal and Site History**

A material start was made on the historical consents 22C21 and 22C21A/DA for the erection of a dwelling. A lawful use application was submitted and proved that a material start was made on planning application 22C21 and 22C21A/DA thus implementing the consent. There is therefore a safeguarded consent on the land for a dwelling.

#### **Policy Consideration**

Since the previous consent was approved there has been a change in planning policy. The JLDP is now the relevant policy but consideration must be given to the fallback position of a dwelling on the plot.

Llanddona is recognised as a Rural Village under Policy TAI4 of the JLDP. TAI 4 states that proposals for open market housing in these locations will be granted providing the size, scale, type and design of the development corresponds with the settlements character and that the site is within the development boundary.

This proposal is for the erection of a two-storey dwelling in Llanddona. There are a variety of different size, scale, type and design of houses in the immediate area. It is not considered that the proposal would look out of place in this area and would not impact the setting of the AONB which is located nearby. The application site is located outside of the development boundary of Llanddona and is therefore classed as a departure from Policy TAI4 of the JLDP; however, consideration must be given to the fallback position of the safeguarded consent 22C21 and 22C21A/DA.

## **Design**

The historical consent 22C21A/DA was approved for a three bedroom dormer bungalow up to a height of 7.4m.

This planning application is for the erection of a two-storey dwelling consisting of a living room, dining room, kitchen, utility, office, WC and garage on the ground floor and four bedrooms and a bathroom on the first floor at a height of approximately 7.6m. The proposal will be larger and slightly higher than that approved under 22C21 and 22C21A/DA; however, consideration has been given to whether the increase in scale, height and its location would impact the neighbouring properties, the area and AONB greater than that previously approved.

There are a variety of different properties within the immediate area, and it is not considered that the scale, design or its location would impact the surrounding area or immediate neighbouring properties no greater than the safeguarded consent.

There is ample room within the large plot of land to accommodate a dwelling of this scale without harming the amenities of adjacent residential properties. There is sufficient parking, access and garden area for the proposed dwelling.

The materials used for the dwelling is acceptable and will fit in with the materials used nearby.

## **Highways**

The proposal makes use of the existing access which has been safeguarded by the previous consent.

The applicant has made amendments to widen the vehicular access, and this is considered an improvement to the current lawful access. The access and visibility may not comply with TAN18 but as there is no increase in the number of dwellings using the access and track it is considered that the improvement to the access is sufficient to cater for this dwelling.

## **Ecology and Landscape**

In accordance with Policy PCYFF3 and AMG5 there is a requirement to provide a landscaping scheme as well as biodiversity enhancements. The proposal includes some planting on the site as well as a bat box and two swift boxes which have been noted on the proposed plans. The proposals will provide a positive contribution towards biodiversity. The proposal therefore complies with the requirements of Policy PCYFF3 and AMG5.

## **Impact on adjacent residential properties**

Policy PCYFF2: Development Criteria is relevant, and all planning application should ensure that the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.

The property is located between 11.8m – 13.3m from the North boundary and approximately 26.6m away from 'Arwel'. Arwel is located to the North East of the proposed dwelling and the dwelling complies with the distances set within the SPG.

The property is located approximately 26m from 'Eithinog' and approximately 35m away from 'Glangors'. The proposal also complies with the distances set within the SPG towards Eithinog and Glangors.

It is considered that the dwelling is located far enough from neighbouring properties and the proposed dwelling will not have a negative impact upon their amenity.

The access and track is close to the boundary of Arwel; however, there is a safeguarded consent for a 3 bedroom dormer bungalow on the site. It is not considered that the proposal will have any more impact than that previously approved on the site in terms of use of this access and track.

### **Conclusion**

The site has a lawful use for one dwelling under application reference LUE/2023/11. The principle of a dwelling on the site is therefore acceptable. It is considered that the design, scale, siting and materials of the dwelling is acceptable. The applicant has proposed amendments to the vehicular access which will improve the current access. There are no particular style of dwelling houses in the vicinity with a variety of different types, scale and materials of properties in the immediate area.

The proposal will not harm the amenity of adjacent residential properties and complies with the distances set out in the SPG.

### **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) 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.

**(03) The site shall be landscaped strictly in accordance with drawing number 3036:23:3B in the first planting season after completion or first use of the development, whichever is the sooner. The landscaping scheme shall be retained for the lifetime of the development hereby approved. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the subsequent planting season by trees and shrubs of the same species and size as those originally required to be planted.**

Reason: In the interest of biodiversity and in accordance with Policy AMG5 and PCYFF3.

**(04) 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 – 3104:23:1A**  
**Proposed Site Plan – 3036:23:3B**  
**Proposed Elevations and Floorplans – 3104:23:4**  
**Construction Traffic Management Plan**  
**Materials**

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

**(05) Any construction works should be carried out between the following times – 0800 – 1800hrs – Monday to Friday; 0800 – 1300hrs on Saturday's and no working on Sunday's or Bank Holidays.)**

Reason: In the interest of residential amenity

**(06) The access shall be laid out and constructed strictly in accordance with the submitted plan 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.

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.