

PLANNING COMMITTEE	DATE: 14/07/2025
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 7**

**Application Number: C25/0361/30/LL**

**Date Registered: 13/05/25**

**Application Type: Full**

**Community: Aberdaron**

**Ward: Pen draw Llŷn**

**Proposal: Full application to demolish the existing house (C3) and garage and erect a new three-bedroom house (C3) in its place**

**Location: Ael y Bryn, Rhiw, Pwllheli, Gwynedd, LL53 8AG**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 Full application to demolish an existing two-storey house and erect a three-bedroom two-storey house in its place. In addition, it is intended to maintain external alterations, including the removal of the existing single-storey garage and creation of parking spaces.
- 1.2 It is intended to erect the new house completely over the footprint of the existing house but larger in terms of its size, including surface area and height and set back further from the side of the adjacent road compared to the location of the existing construction. Currently, a two-storey house is seen on the site, comprising of a hall, a kitchen, a living room and bathroom on the ground floor and three bedrooms on the first floor. It is of a relatively small size (approximately 78m<sup>2</sup>) and a simple appearance. It is seen that the original building has been extended in the past by erecting an extension in the form of a conservatory on the elevation facing the garden, whilst two extensions extended to the nearby road, one was possibly original with a pitched roof and the other more recent with a flat roof. The roof of the main building comprises of a natural slate finish whilst the walls are a mix of natural stone and render, and the original openings are simple but equate to each other. The new house would be two-storeys with the internal layout as follows:
  - Ground floor - lounge, dining room/kitchen, shower room, hall
  - First floor - three bedrooms, a bathroom.
- 1.3 The building's external finish includes a pitched roof from natural slate with integrated solar panels whilst the walls would be a mix of natural stone and cladding. It is seen that there would be various openings to be included with a light grey finish. It is noted that the collective size of the new building would be 95m<sup>2</sup>.
- 1.4 The site is located outside any existing development boundary and therefore in open countryside. The location of the houses in the local area are dispersed and vary in terms of size, form and finish, including single-storey and two-storey houses. Two separate houses are adjacent to the site. A public unclassified road runs adjacent to the eastern boundary of the site. There is already an entrance into the site which is currently restricted due to a safety fence protecting the site, but it is seen that a parking space and a single-storey flat-roof garage is on a separate part of the site. The level of the land falls from the road towards the furthest garden boundary with agricultural land extending beyond the garden boundaries to the western and northern direction.
- 1.5 The site is situated within the Llŷn Area of Outstanding Natural Beauty and the Llŷn and Enlli Landscape of Outstanding Historic Interest designations. The Seacliffs of Pen Llŷn Special Area of Conservation (SAC) and the Mynydd Penarfynydd Site of Special Scientific Interest designations are approximately 50m away from its closest part from the site to the south-eastern direction whilst there is land designated as the Bryn Tirion Wildlife Site abutting the adjacent public road to the east.
- 1.6 As part of the application, the following information was submitted:
  - Planning Statement
  - Bat survey and initial ecological report (which includes a Green Infrastructure Statement)
  - Survey of protected species
  - Drainage Strategy
  - Property Structural Condition Report
- 1.7 The application is submitted to the Planning Committee for a decision after receiving the observations of the Local Member, who confirmed that he objected to the proposal for the following reasons:

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- Ael y Bryn is a traditional cottage which is a wider part of a cluster of traditional cottages in Mynydd y Rhiw which lies in the centre of the Llŷn AONB
- It is part of the Llŷn Heritage Coast and abuts the Pen Llŷn a'r Sarnau SAC. Cottages should be protected from this type of development.
- The proposed application is contrary to the following policies: AMG1 Applications that negatively impact views in and out of the AONB are refused; AMG3; AMG4; PS19 The Councils will manage developments in order to conserve and, where relevant, enhance the natural environment, the countryside and coastline of the plan area and proposals that will have a substantial detrimental impact are refused.
- The new development is also contrary to the Llŷn AONB Dark Skies.

## 2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## 2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-26, adopted 31 July 2017

PS 1: The Welsh Language and Culture

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3 : Design and place shaping

PCYFF 4: Design and landscaping

PS 5: Sustainable development

AMG 1: Areas of Outstanding Natural Beauty Management Plans

AMG 5: Local Biodiversity Conservation

PS 1: The Welsh Language and Culture

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TRA 2: Parking standards

TRA 4: Managing transport impacts

TAI 13: Replacement Dwellings

AT 1: Conservation Area, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens

Also relevant in this case are the following:

Supplementary Planning Guidance (SPG): Replacement Dwellings and Conversions in the Countryside.

## 2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 12 - February 2024)

Technical Advice Note 12: Design

Technical Advice Note 6: Planning for sustainable rural communities

## 3. Relevant Planning History:

3.1 34/70/62 - Construction of a conservatory, a bedroom and a toilet - Approved 27/04/70

3.2 34/70/62A - Construction of a garage - Approved 20/01/71

## 4. Consultations:

Community/Town Council: Not received

Transportation Unit: I refer to the above application and I confirm that the transportation unit does not have any objection. The applicant should consult with the Streetworks Manager regarding any work near the highway.

Welsh Water: The proposal intends to connect the site's sewerage and surface water systems to the public sewerage system and sustainable drainage system. A connection to the public sewerage system is acceptable. Standard advice is given regarding issues of suds and general drainage.

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Biodiversity Unit:	<p>The ecological reports have been created to a good standard. This development would avoid significant impact on biodiversity. Biodiversity improvements must be included and shown on the plans.</p>
Public Protection:	<p>Point 3.1 of Ael y Bryn, Rhiw Planning Statement by Caulmert Limited Document Reference: 5289-CAU-XX XX-RP-T-0300.A0.C1 April 25 states that - Air Source Heat Pump and solar panels have also been included in the design to increase the properties sustainability credentials. A noise assessment has not been included in the application and I have attached the advice note on the Department's requirements when submitting such information, without this information, we are unable to make observations or present recommendations.</p>
AONB Unit:	<p>Ael y Bryn is located in a rural area in Y Rhiw and within the AONB. A public road runs behind the house, there are trees and hedges in front of it.</p> <p>It is a historic stone house with a slate roof and some more recent additions. It is noted from the report that its condition is poor, but it is structurally sound. Traditional buildings such as Ael y Bryn contribute towards the character of the AONB. Polisi HP2 in the AONB's Management Plan notes the following: Protect and maintain the historical features including archaeological remains and structures and historical buildings and their setting.</p> <p>If it decided to demolish and erect the new house in question, windows of a more traditional appearance and size are suggested at the front elevation to suit the area and restrict light outflow.</p>
Natural Resources Wales:	<p>We do not oppose the proposed development as submitted and we provide the following standard advice regarding matters such as Protected Sites; Protected Species; and Designated Landscape.</p> <p>As the competent authority under the Habitat and Species Protection Regulations 2017 (as amended), it is your Authority that will undertake the Likely Significant Impacts test for the proposed development. Should you conclude that the proposal is likely to have a significant impact on the Special Area of Conservation, either in isolation or in conjunction with other plans or projects, a proper assessment of the project's implications for that site must be carried out taking into account its conservation objectives.</p>
Public Consultation:	<p>A notice was posted on the site and nearby residents were notified. The advertisement period has expired, and one letter / item of correspondence was received objecting on the following grounds:</p>

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- the modern design of the new development which would suit a new estate of urban housing perhaps but completely unsuitable on the outskirts of a rural village such as Y Rhiw.
- Ael y Bryn is one of the few traditional houses which has retained some character and I believe, with some alterations, it would make a comfortable home without causing any disruption to the surrounding area.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 It is a requirement that planning applications are determined based on the attributes of the specific scheme in question and in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 The site is located in open countryside in a comparatively remote location in the area of Rhiw with other residential houses scattered within the local area. Policy PCYFF1 of the LDP states that outside the development boundaries, proposals will be refused unless they are in accordance with specific policies in the LDP or national planning policies or that the proposal shows that its location in the countryside is essential, while criteria 1 of policy PCYFF 2 notes that the proposal should demonstrate its compliance with all the relevant policies in the plan.
- 5.3 Policy TAI 13 allows proposals to rebuild a house if it conforms to the following criteria, where appropriate:

*1. Outside development boundaries or identified clusters, the present dwelling has a lawful residential use;*

Although it is assumed that the existing building has not been used for residential purposes for some time, there are doors and windows in place to protect the property and the site itself is protected with a security fence which, as a result, protects the building and the site. As a result, the Local Planning Authority does not have a sufficient reason to conclude that the use rights as a dwelling have come to an end.

*2. The building is not a listed building;*

The house is not listed.

*3. The existing dwelling is of no particular architectural and/or historic and/or visual merit, for which it should be conserved;*

This is a building of its period which conveys a simple building which was a local characteristic during the last century. Although it is not considered that there is a unique or completely special architectural value to the dwelling, it stands discreetly within the site. However, it is not believed that it is of sufficient value to consider retaining it as it is.

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*4. Outside development boundaries, it is not possible to retain the existing building through renovation or extension and/or it can be demonstrated that repairing the existing building is not economically feasible;*

Information/evidence was received as part of the application to justify the demolition. It is seen that it does not meet the current standards in terms of energy efficiency and so on, and repairing the current building would be problematic, costly and impractical to satisfy such requirements

*5. Outside development boundaries, the proposed house does not replace a caravan or a holiday chalet which has legal residential use;*

Not applicable

*6. Outside the Coastal Change Management Area, a house to be reconstructed should be located within the same footprint as the existing building unless it can be shown that relocating within the curtilage reduces its visual impact and its impact on local amenities;*

The new house would be completely over the footprint of the existing house.

*7. Outside the development boundaries, the setting and design of the total new development should be of a similar size and scale and should not create a visual impact significantly greater than the existing dwelling, in order that it can be satisfactorily absorbed or integrated into the landscape. In exceptional circumstances, a larger dwelling of good design that does not lead to a substantially greater visual impact than the existing building could be supported;*

The proposed house would be larger than the existing one, but it is noted that the existing house is relatively small and restricted in terms of its form and internal arrangement. The proposed house has been designed with a ridge roof that is higher than the ridge of the existing building but would be lower than the highest part of the existing chimney. It is believed that there would be a minor visual impact as a result of the proposal, whether it is within the site and nearby area and areas further away. It is acknowledged that the proposal was larger than the existing property in terms of height and floor area (95.1m<sup>2</sup> compared to the existing 78m<sup>2</sup>), but as a comparison with standard measurements for affordable housing, it is seen that it would be lower than 110m<sup>2</sup> as suggested for a three-bedroom two-storey affordable house. Given all the relevant planning matters and having conducted a full assessment, it is not considered that the proposal leads to an unacceptable visual impact compared with the existing building and therefore complies with this criterion.

*8. In areas at risk of flooding and outside the Coastal Change Management Area: i. A flood consequence assessment has been undertaken for the development, and satisfactory risk mitigation measures has been identified; ii. The dwelling will incorporate flood mitigation and resiliency measures in accordance with Community and Local Government (CLG) publication 'Improving the flood performance of new buildings; flood resilient construction'; iii. The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences; iv. A flood warning and evacuation plan has been prepared for the property and will be displayed on the site.*

The site is not on land at risk of flooding.

*9. Exceptionally, when a house is suitable to live in, or a house had people living in it recently is destroyed by accident, planning consent for a new, replacement house can be given. Evidence must be provided regarding the status and previous condition of the building and the cause and scale of the damage.*

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Not applicable.

- 5.4 Given all the criteria for policy TAI 13, it is considered that the proposal is acceptable and therefore in accordance with the requirements of the criteria of policy TAI 13.

### Visual amenities

- 5.5 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments provided that they do not have a detrimental impact on health, safety or the amenities of the occupiers of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and enhance the character and appearance of the site
  - Respect the site and surroundings in terms of their location in the local landscape
  - Use appropriate materials
- 5.6 Policy PCYFF 3 clearly states that all proposals are expected to exhibit a high-quality design that gives full consideration to its context in the natural, historic and built environment. Additionally, developments should add to and enhance the character and appearance of the site in terms of setting, appearance, scale, mass and elevation treatment. They should also respect the context of the site and its place in the local landscape.
- 5.7 The existing property is a two-storey house standing discreetly and insignificantly in the landscape. Its condition is poor, and it does not contribute positively to the visual amenities of the nearby area. The proposed property, due to its layout, scale, height and mass, would appear to be larger within the site. Although it would be larger, the proposed development would be better in terms of its architecture and therefore it would be visually better than the existing property. The development's design has responded to the existing form and restrictions of the site, which makes the building sit comfortably within the landscape, and it would not significantly increase the visibility of the property against the horizon compared with the existing building.
- 5.8 Each application must be considered on its own merits and each site individually and in this case, it is believed that the proposal has succeeded to improve the character and appearance of the site.
- 5.9 The AONB Officer stated that the existing house is in a rural area in Y Rhiw and within the AONB and traditional buildings such as Ael y Bryn contribute to the character of the AONB. It continues to note that the decision is made to demolish and erect the new house in question, windows of a more traditional appearance and size are suggested at the front elevation to suit the area and restrict light outflow. Despite the concerns, there was no complete objection to the proposal in terms of its impact on the AONB designation. Certainly, there would be change on the site between the current and the proposed, but it is not believed that this change would be widely harmful and certainly would not be completely unfamiliar in terms of the form and design of the building within the context of the local area. Therefore, despite the concerns, it is not believed that they are so significant that it results in a completely harmful impact and it is therefore in accordance with the relevant requirements of policy AMG 1.
- 5.10 In addition to the AONB, the site is also within the Llŷn and Enlli Landscape of Outstanding Historic Interest designation. However, it is not believed that it would have a wider impact on the historic landscape. Therefore, it is considered that the proposal is acceptable in terms of Policy AT1 of the LDP.
- 5.11 Therefore, in this case, it is considered that the design of the proposal in terms of form, layout, scale and mass is acceptable in terms of its site context and integrates within the context of the nearby area. The proposal is therefore acceptable in terms of the relevant requirements of policies



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PCYFF 2 and PCYFF 3, criterion 7 policy TAI 13 and criterion 13 of policy PS 5 of the Anglesey and Gwynedd Joint Local Development Plan, 2017.

### **General and residential amenities**

- 5.12 The property is located close to other residential dwellings. Open agricultural fields extend beyond the rear boundary of the site and are therefore a consideration regarding the impact of the adjacent housing only is provided. Despite the increase in the size of the proposed building compared with the existing building, it is not believed that there would be a prominent impact on the nearby houses' residential amenities as a result of the distances between them and the presence of a public road. It can be seen that the Public Protection Unit's observation referred to matters relating to the proposed heat pump and as is normal with such features, conditions are imposed to ensure that the unit's noise levels do not impact residential amenities to an unacceptable degree and that it operates in accordance with current standards. It is therefore not considered that it would be unacceptable based on the relevant requirements of policy PCYFF 2.
- 5.13 Therefore, in terms of this element, it is not believed that this development would disrupt the amenities of nearby residential properties to a significantly unacceptable degree. Therefore, having considered the impact in its entirety and having assessed the relevant considerations in full, it is not believed that the proposal would be entirely unacceptable nor, therefore, contrary to the relevant requirements of policy PCYFF 2.

### **Transport and access matters**

- 5.14 No concerns were highlighted regarding the impact of the new development on matters relating to access and movements on the nearby highway and the application is not objected by the highways unit. As usual, it is suggested to include standard notes to ensure that an application for an appropriate licence to maintain the work, as well as notes to protect the interests of the highway and therefore it is considered that the proposal is acceptable in terms of the relevant requirements of Policies TRA 2 and TRA 4.

### **Biodiversity matters**

- 5.15 It can be seen that ecological assessments have been conducted on the site and reports have been created with the results of the findings. It was noted that the building was not used by bats. A response was received to the consultation from the Biodiversity Unit noting that the assessments had been conducted to a good standard. It is seen that further ecological improvements have been proposed as a result of an observation from the Biodiversity Unit and it is believed that it would be reasonable to reiterate an appropriate condition to ensure that the development is conducted in accordance with the recommendations from the report presented, as well as the Green Infrastructure Statement which also recommends biodiversity improvements and therefore it is believed that compliance can be ensured with the relevant requirements of Policy AMG 5 and advice within TAN 5, as well as a letter from the Climate Change Minister relating to an update to chapter 6 of Planning Policy Wales in relation to green infrastructure and the step-wise approach.
- 5.16 NRW notes in their response to the consultation *"As the competent authority under the Habitat and Species Protection Regulations 2017 (as amended), it is your Authority that will undertake the Likely Significant Impacts test for the proposed development. Should you conclude that the proposal is likely to have a significant impact on the Special Area of Conservation, either in isolation or in conjunction with other plans or projects, a proper assessment of the project's implications for that site must be carried out taking into account its conservation objectives."*

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- 5.17 In this case, it is intended to exchange a current house for a new house on an already developed site. The location of the site is outside the SAC designation and is unlikely, due to distances, the nature of the proposal and form and layout of nearby developed sites to lead to a direct impact on this designation subject to following pollution prevention guidelines and advice noted by NRW. Cynfor Gwynedd as the competent authority under the Habitats Regulations has considered the proposal in relation to the SAC and has concluded that the development would be unlikely to have an impact on the SAC itself. It is therefore accepted that the proposal is acceptable based on the requirements of policies AMG 5 and P18 as well as relevant legislation.

### **Housing Matters**

- 5.18 Information was received to confirm that residential use established within use class C3 (Dwelling houses used as a sole residence or main residence) is the status of the current property, and this would also be the proposed use. Consequently, it is not believed that there is change in the use of the property and no impact on the housing stock locally.

### **Drainage Matters**

- 5.19 A Drainage Strategy has been presented as part of the application to outline the drainage plan for surface water from the site, and to this end, the proposal complies with the requirements of paragraph 7.6 of Technical Advice Note 15: Development, Flooding and Coastal Erosion.

### **Language Matters**

- 5.20 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is further reiterated in para. 3.28 of Planning Policy Wales (Edition 11, 2021), and Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development.
- 5.21 It is noted that there are some specific types of development where it will be required for the proposal to submit a Welsh Language Statement or a Welsh Language Impact Assessment. The thresholds in terms of when it is expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG. In terms of the type of developments in question, the following is noted: The proposal does not reach the thresholds for submitting a Welsh Language Statement or a Report on a Welsh Language Impact Assessment. However, Appendix 5 of the SPG notes that every housing, retail, commercial or industrial development where there is no need to submit a Welsh Language Impact Statement/Assessment should show how consideration has been given to the language.
- 5.22 The proposal submitted is to erect a new house to replace the existing house within an established residential site. It is not considered that the proposed developments are likely to have a detrimental impact on the Language as a result of the proposal as the intention is to exchange one house for a new house and therefore it is considered that it complies with the requirements of policy PS1 in that respect.

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## Response to the public consultation

- 5.23 It is acknowledged that an objection has been received to this proposal and we consider that all relevant planning matters have been duly addressed as part of the above assessment. A decision is made based on a full consideration of all the material planning considerations and all the comments received during the public consultation and that no one was let down when considering this application.

### Relevant Planning History:

- 5.24 It is believed that it is reasonable here to refer to the previous planning history of this property, as well as a decision made to an appeal in the area against the Council's decision to refuse an application to redevelop a residential property.
- 5.25 It is seen from details of historical application 34/70/62 that erecting a conservatory on the front of this property was approved and as is prominent from the pictures, it is seen that it has been implemented. The form and location of this addition has undermined the general character of the building and, although this does not justify unacceptable developments, it is not believed that the general or native character of the building is fully protected. It is also noted from the details of this historical application that there was a proposal to erect a flat-roof two-storey extension to the rear of the property, near the public road. Should this have been implemented (and there would be a right to do that due to the implementation of the application by erecting the conservatory), another significant change to the building would have been maintained, which would certainly have a significant impact on its character.
- 5.26 The appeal decision made by the Planning Inspectorate is also relevant to approve the redevelopment of a residential property in the area of Y Rhiw contrary to the Council's decision to refuse. This is a development which included modern elements in a prominent location, certainly more prominent than the location of the current application. Here are parts of what the Inspector said at the time: *"The current building has a very restricted architectural quality, if that, and as such, it cannot be considered that it makes any positive contribution to the character of the area in terms of historical interest and landscape...it created significant harm to the landscape that it has been located. Therefore, I do not see any overriding value in attempting to retain the current dwelling in its current form, or even in attempting to reproduce the style of the property and extensions of a similar design. On this basis, the development proposed would not harm the character and appearance of the area substantially, and it would take advantage of the opportunity to improve the appearance of the host building and the site of the appeal significantly...the proposal would not be too excessive in public vistas, and it would not lead to a substantial loss of views. The proposal would represent an improvement in the general appearance of the site of the appeal, which is currently substantially degraded by the existing dwelling. Despite its unique design locally, and the fact that the extensions proposed would appear to be significant and present an additional sum of new construction work, the points above lead to the conclusion that the plan would not harm the landscape. Therefore, I believe that the development would not harm the character and appearance of the host dwelling or nearby area, or have a detrimental impact on views into, out of and across the Llŷn AONB. As such, it would not conflict with Policies PCYFF3, PCYFF4, PS19 and AMG 1 of the LDP or PPW."*
- 5.27 It is believed that this decision to an extent sets a precedent on what is acceptable in terms of new developments within an area such as Y Rhiw. Despite the location within the AONB, this in itself is not a reason for refusing developments which would present new or modern elements to houses in an area. It is not believed that what is intended through the current application present a

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completely modern and unfamiliar design to the area, as it includes many familiar characteristics to what is currently on the site and in general in the area. This planning history is relevant as it shows what was accepted in the past as an acceptable development.

**6. Conclusions:**

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

**7. Recommendation:**

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:

1. Time
2. Compliance with plans
3. Agree on materials, including roof slates
4. Ecological matters, including maintaining the development in accordance with the improvements as noted in the Green Infrastructure Statement
5. Agree on a Building Management Plan
6. Landscaping
7. Highways Matters
8. Drainage matters
9. Condition to manage noise associated with the heat pump