
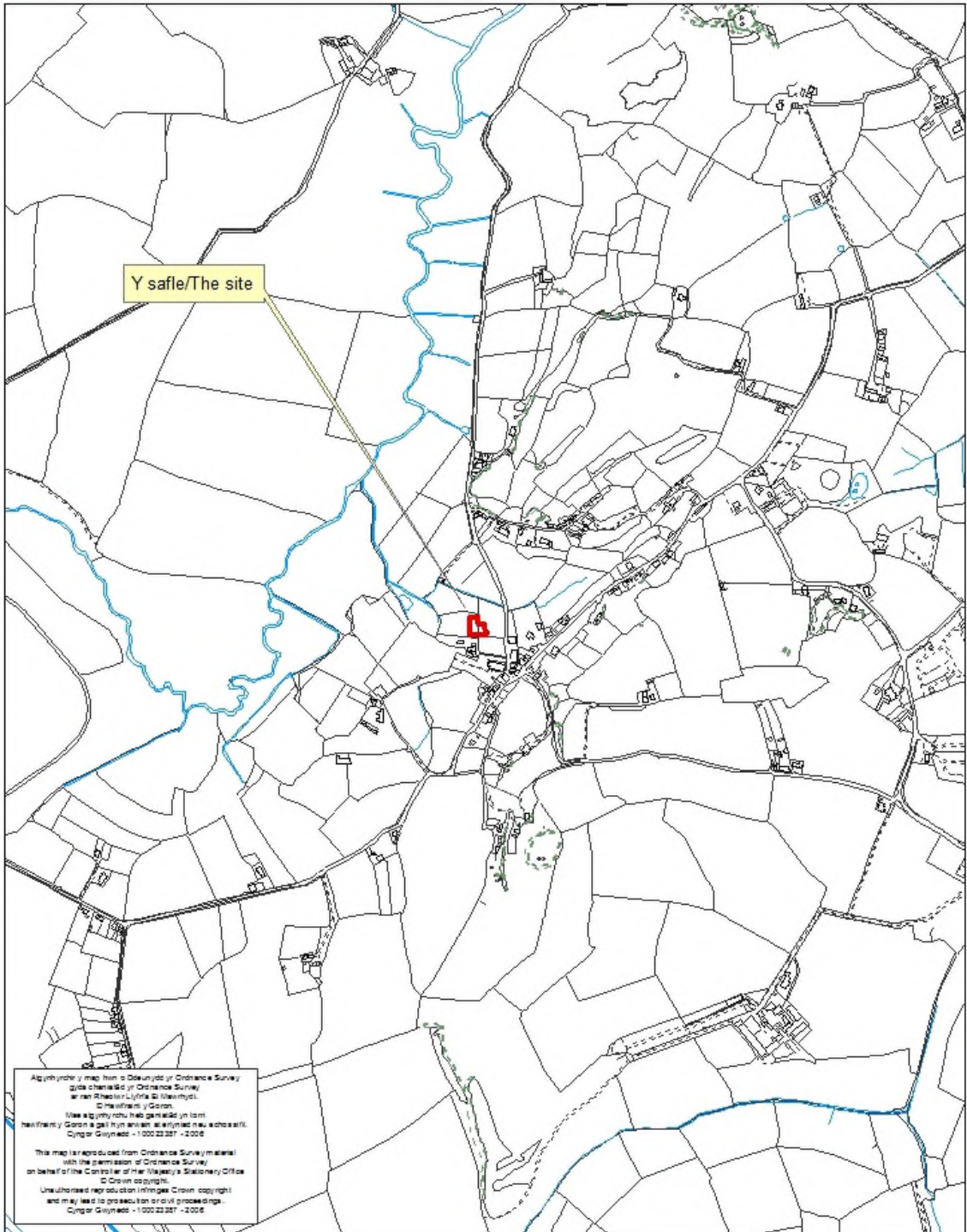


Number: 6

 Rhif y Cais / Application Number : C14/1184/39/LL

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Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 02/03/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Application Number: C14/1184/39/LL
Date Registered: 08/12/2014
Application Type: Full - Planning
Community: Llanengan
Ward: Llanengan

Proposal: REVISED DESIGN FOR A DWELLING APPROVED BY CONSENT NO C11/1186/39/MG INCLUDING EXTENSION TO CURTILAGE AND RETENTION OF CARAVAN FOR RESIDENTIAL USE DURING THE CONSTRUCTION OF THE DWELLING ONLY

Location: PLOT 4, LAND NR, ST ENGAN CHURCH, LLANENGAN, PWLLHELI, GWYNEDD, LL537LL

Summary of the Recommendation:

DELEGATE THE RIGHT TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 The application is a full application to retain work which does not comply with the plans approved for the construction of an affordable two-storey house approved under reference C11/1186/39/MG in February 2012. The house lies in the western end of an estate of six houses on land located outside, but adjoining, the development boundary of the village of Llanengan. The plot is served by an access road to the estate. The site is located within the Llanengan Conservation Area and the AONB.
- 1.2 The original permission involved constructing a new house with a kitchen / diner, lounge and utility room on the ground floor level and four bedrooms and a bathroom on the first floor. The stairs are located in a separate wing on the front elevation of the house. The approved plans show the internal surface area of the house as being 120 square metres.
- 1.3 The plans with the current application show a two-storey house with a void under the ground floor of the house. The plans with the current application also show a lounge, dining area, kitchen, utility room and WC on the ground floor and five bedrooms and a bathroom on the first floor. As with the original application, the stairs are located in a separate wing on the front elevation of the house. The applicant states that the void was created under the house when building the foundations and that it has been closed-off with blocks and joists so that there is no internal access. The applicant later agreed to close-off the void externally also. The plans show the internal surface area of the house now measures 130 square metres. Excluding the front wing, the house measures 0.75m longer and 0.8m wider than the house originally approved.
- 1.4 The current application also includes installing a patio window on ground floor level and a window on the first floor level in the rear elevation which faces fields, relocating a door on the southern elevation, relocating a door and installing two small first-floor windows on the northern elevation, extending the surface area of the curtilage and retaining a caravan for residential use during the construction period only.
- 1.5 The site was inspected on 11 December 2014 when it was confirmed that the house has been erected up to first floor level despite advice from the Enforcement Officer to suspend work on the site until such time as the planning matters had been resolved.

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- 1.6 A Design and Access Statement was submitted as part of the application.
- 1.7 The application is submitted to the Planning Committee as five objections have been received.

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 planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009: (GUDP)

B4 – DEVELOPMENT WITHIN OR THAT AFFECTS THE SETTING OF CONSERVATION AREAS - Ensure that proposals within conservation areas, or which affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

B8 - THE LLŶN AND ANGLESEY AREAS OF OUTSTANDING NATURAL BEAUTY (AONB) - Safeguard, maintain and enhance the character of the Areas of Outstanding Natural Beauty by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features of the site.

B22 – BUILDING DESIGN – Promote good building design by ensuring that proposals conform to a series of criteria relating to safeguarding the recognised features and character of the local landscape and environment.

B23 – AMENITIES – Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in-keeping with the character and appearance of the local area.

CH7 – AFFORDABLE HOUSING ON RURAL EXCEPTION SITES DIRECTLY ADJOINING THE BOUNDARIES OF VILLAGES AND LOCAL CENTRES – Permit affordable dwellings on rural sites directly adjoining the boundaries of Villages and Local Centres provided they conform to criteria relating to local need, affordability and impact on the form of the settlement.

CH17 - PERMANENT RESIDENCY IN CARAVANS, CHALETS AND CABINS - Proposals to use static caravans, chalets or cabins for permanent residential use will be refused except in specific cases.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

CH36 – PRIVATE CAR PARKING FACILITIES - Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines. Consideration will

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be given to the accessibility of public transport services, the possibility of walking or cycling from the site and the proximity of the site to a public car park. In circumstances where off-street parking is needed and where the developer does not offer parking facilities on the site, or where it is not possible to take advantage of the existing parking provisions, proposals will be approved provided the developer contributes to the cost of improving the accessibility of the site or providing the necessary parking spaces on another nearby site.

Supplementary Planning Guidance: Affordable Housing (November 2009)

2.3 National Policies:

Planning Policy Wales (Edition 7) (2014)

TAN 12: Design

TAN: Planning and Affordable Housing (2006).

3. Relevant Planning History:

3.1 C08D/0112/39/AM – Residential development – six two-storey houses (local affordable need) - Part of OS field no. 3910, near St Engan Church, Llanengan - Approved 18 June 2009.

3.2 C09D/0288/39/MG – Details re. plots, boundaries and access road including landscaping of *cloddiau* - Part of OS field no. 3910, near St Engan Church, Llanengan - Approved 27 October 2009.

3.3 C11/1186/39/MG – Reserved matters application – six affordable houses - Part of OS field no. 3910, near St Engan Church, Llanengan - Approved 29 February 2012.

4. Consultations:

Community/Town Council: Decided that the original plan should be adhered to, object to extending the curtilage and support retaining the caravan during the construction of the house and that a condition should be imposed stating that the applicant should not keep his machinery on the site afterwards.

Transportation Unit: Wish to state that they do not intend to make a recommendation as it is not believed that the proposed development would have a detrimental impact on any road or proposed road.

AONB Officer: No objection to constructing a larger house on the site but restate concern as noted with the previous application regarding the unfamiliar front design.

Natural Resources Wales Observations drawing attention to the statutory need to protect and enhance the natural beauty of the Area of Outstanding Natural Beauty and also noting standard observations in relation to Biodiversity.

Public Consultation: A notice was placed on the site and neighbouring residents were informed. The advertisement period had not ended when preparing this report; however, several objections had already been received, including a letter from the Community

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Council. The planning objections received relate to:

- Wish to know why the Council did not insist that the applicant suspended work;
- The building will stand out in a housing estate which is going to be built as originally approved;
- Disagree that the house complies with an affordable housing clause if it is three-storey;
- The void could be adapted for future use, this could set a precedent for the remaining houses on the estate;
- That due to its larger size, the house is likely to cast a shadow on plot 3 adjacent;
- No reference to 106 Agreement/affordable house within the application;
- The original plans which are subject to a 106 Agreement should be adhered to rather than erect a larger building.

In addition to the above objections, objections were received that were not valid planning objections which included:

- That a lot of time had been spent changing the plans so that the design of the houses complied with building regulations and was in keeping with the area;
- That the applicant was aware of the need to adhere to the plans when he agreed to buy the plot;
- Concerns that the applicant will keep his machinery on the estate following completion of the work which will be detrimental to the safety of children in the area as well as affecting the appearance and character of the village.

5. Assessment of the material planning considerations:

The principle of the development

5.1 The principle of developing an affordable residential housing estate on the site has already been accepted since the approval of outline consent for six affordable houses on the land in 2009. A detailed consent to set out the estate was granted in October 2009 and this work has already commenced. Detailed consent for the erection of six affordable two-storey houses of different sizes on the estate was granted in February 2012.

5.2 Having received a complaint, Enforcement Unit officers inspected the site when it was confirmed that the work of erecting the house was not entirely in accordance with the plans approved. It was noted that a void had been created under the house and that the surface area of the house was larger. Lengthy discussions ensued between Enforcement Unit officers and the applicant regarding the lack of compliance with the plans approved in 2012 and, consequently, the current revised application was submitted to the Council for consideration along with confirmation that access from the house to the void underneath had been closed-off entirely. The

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applicant later agreed to close-off the void externally also and it is intended to impose a condition on any consent to enforce this situation.

- 5.3 The applicant states that he has four children and that his partner is expecting another child and that the house had been increased in size in order to provide adequate space for the change in family circumstances. The applicant states that the total surface area of the house, excluding the stairs in the external wing, measures 130 square metres which is tantamount to a five bedroom affordable house. It is appreciated that the total surface area of the house is a little larger than that defined for a five bedroom affordable property in the Supplementary Planning Guidance: Affordable Housing; however it is not considered excessive in this case and the change in family circumstances justifies that. The house which is the subject of this application is one of six affordable houses which have been granted permission subject to a 106 Agreement Affordable House (local need). The agreement has been signed and has been issued by the Legal Unit. It is considered that the principle of erecting a house on the site has already been established and that the house will remain an affordable house, though with five bedrooms, for local need. It is therefore considered that the proposal is in accordance with policy CH7 of the GUDP and the observations of the Legal Unit are awaited to confirm whether or not the Agreement needs to be amended.
- 5.4 Policy CH17 of the GUDP objects to using caravans as permanent residency other than when the unit is required for a temporary period during the construction of the residential unit. It is appreciated that the applicant has extended the curtilage by raising the level of the land nearby for siting a substantial caravan on the site as a living unit for his family during the construction of the house. It is considered that such a situation complies with the objectives and principles of the policy provided that the caravan and its hard standing are removed from the site entirely once the house is occupied or at the end of the two-year period whichever comes first.

Visual amenities

- 5.5 The residential estate is located within the Area of Outstanding Natural Beauty (AONB) and the Llanengan Conservation Area, where planning policies presume against developments that are likely to have a substantial detrimental effect on the character and appearance of the area.
- 5.6 The plot is located in the western part of the housing estate and in a visible location from the county road. The plot forms an integral part of the pattern of the estate which has already received planning consent for a similar two-storey house. The designs and finish of the proposed house comply with the design of the house already approved in 2012 with the exception of a few changes in the number of windows / doors, installing a patio window on the rear elevation and that the length and size of the house is a little larger than the design previously approved. Note that the observations of the AONB Officer confirm that there is no objection to the minor changes in the design of the house.
- 5.7 The proposal also includes extending the surface area of the curtilage of the house to the west and north. It should be noted that there is no objection in principle to extending the surface area of the curtilage of the house provided that it does not have a negative effect on the amenities of neighbouring residents or the visual amenities of the adjacent area. In general, there is no objection to the western extension due to its location to the rear of the house and out of public view. On the other hand, the northern extension is in a much more prominent location and creates

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a fragmented feature compared with the boundaries of the rest of the plot and estate. It is therefore considered that retaining the northern extension to the curtilage permanently would be contrary to planning policy objectives and principles which protect the AONB and the conservation area of the village. It is appreciated that the caravan is located on the northern plot for a temporary period whilst the house is being erected only. It is felt that there is no significant objection to retaining the northern curtilage extension or the caravan for a temporary period as such a situation would not be significantly contrary to the Council's conservation policies, provided that the caravan is removed from the site permanently and the land is restored to its previous condition, namely its condition prior to creating the extension to the curtilage. This would ensure an acceptable development and would protect the visual amenities of the area for the long term – this can be secured via an appropriate condition. It is considered that, in doing so, this element of the application is not significantly contrary to policy B4 and B8 of the GUDP and therefore that the temporary period is acceptable with appropriate conditions.

- 5.8 It is not considered that the application with the proposed changes would have a substantial detrimental impact on the character and appearance of the AONB or the conservation area. It is therefore considered that the application complies with policies B4, B8, B22 and B25 of the GUDP.

General and residential amenities

- 5.9 The application was posted on the site and neighbouring residents were notified and five letters of objection were received including a letter from the Community Council. Some of the concerns noted by the neighbouring residents have already been noted in the body of the report.
- 5.10 The concerns of the objectors regarding lack of compliance with the plans approved by the Council in 2012 are appreciated. However, it should be realised that the changes to the design of the house as approved in 2012 are not significant in visual and size terms and it is unlikely that they would affect the adjacent plot more than the previous plan.
- 5.11 Note that the objectors claim that the plans should not be changed following permission being granted. The Gwynedd Council Enforcement (Planning) Policy 2010 states that a retrospective application could be submitted to the Council in order to regulate the unauthorised development with appropriate conditions and in order to create an acceptable development. It is not considered that this retrospective application undermines the planning process. In relation to the claim that the void under the house could be used in future; the applicant has confirmed that access from the house to the void underneath has been closed-off entirely. This was discussed further with the applicant and he agreed orally to close-off the void internally and externally and it is intended to include a condition on any consent to enforce this.
- 5.12 Concern has also been expressed regarding part of the application which includes extending the curtilage of the house. The main concern is that the additional surface area would be used for keeping the applicant's machinery and work equipment and such use would affect the amenities of neighbouring residents and the wider area. The application makes no reference to keeping machinery and equipment therefore it is felt that this is not a material consideration in this case. Despite this, it must also be appreciated that the additional land is located to the rear and side of the

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house, there is no convenient vehicular access to it and it is unlikely that the location of the extension to the curtilage would have significant detrimental effect on neighbouring residents including the residents of the new plots on the estate. There is reference above to the visual effect of the curtilage extensions which is being assessed separately to the effect on residential amenities.

5.13 It is not considered that the proposal is contrary to policy B23 of the GUDP.

Transport and Access Matters

5.14 The house is served by an access road to the estate. Planning permission has already been approved for a two-storey house on the plot and, consequently, it is not considered that the proposal would have a significant detrimental effect on road safety and this opinion was confirmed by the Transportation Unit. The proposal is not contrary to policy CH23 and CH36 of the GUDP.

Response to the public consultation

5.15 Full consideration was given to the relevant matters raised as a result of the public consultation on the application, and these concerns would not justify refusing the application.

6. Conclusions:

6.1 The fact that the implemented planning permission exists on the site is an important planning consideration when considering the current application. The Council has already approved the building of a two-storey house in 2012 and although the size of the house which is the subject of the current application is a little larger than the building originally approved, it is not considered that the difference is enough to justify refusal of the application. The additional size is justified by the change in the applicant's family circumstances and there is now justification for a five bedroom property. It is not considered that the proposal, in accordance with the conditions noted below, would have a significant effect on the visual amenities of the Llanengan Conservation Area, the AONB nor those of the neighbouring residents and it conforms to all the policies noted in this report.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application subject to receiving confirmation from the Legal Unit that the existing 106 agreement does not require revising, along with the following conditions:

1. Local natural stone on those parts which are shown to have it on the plans.
2. Agree on the finish for the remaining external elevations.
3. Slates on the roof.
4. Removal of class A, C and E permitted rights from section 1 of (General Permitted Rights) Order 1995.
5. No caravans within the curtilage (after the removal of the temporary caravan).
6. Complete the landscaping work in accordance with the details on the plans.
7. Surface and foul water discharge to drain separately from the site.
8. Surface water not to join the public sewer system.
9. Not allow land drainage surface water to be discharged in to the public sewage system.

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- 10 Close-off the internal and external openings to the void under the house permanently with concrete blocks.
- 11 Remove the caravan from the site once the house is occupied or within two years whichever comes first.
- 12 Submit a plan showing that the curtilage extension to the north of the house is reinstated to its previous condition within two months of the date of the permission and implementing the agreed details within two months of removing the caravan from the site.



Rhif y Cais / Application Number :

C14/1184/39/LL

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 Location Plan for identification purposes only. Not to scale.

Y safle/The site

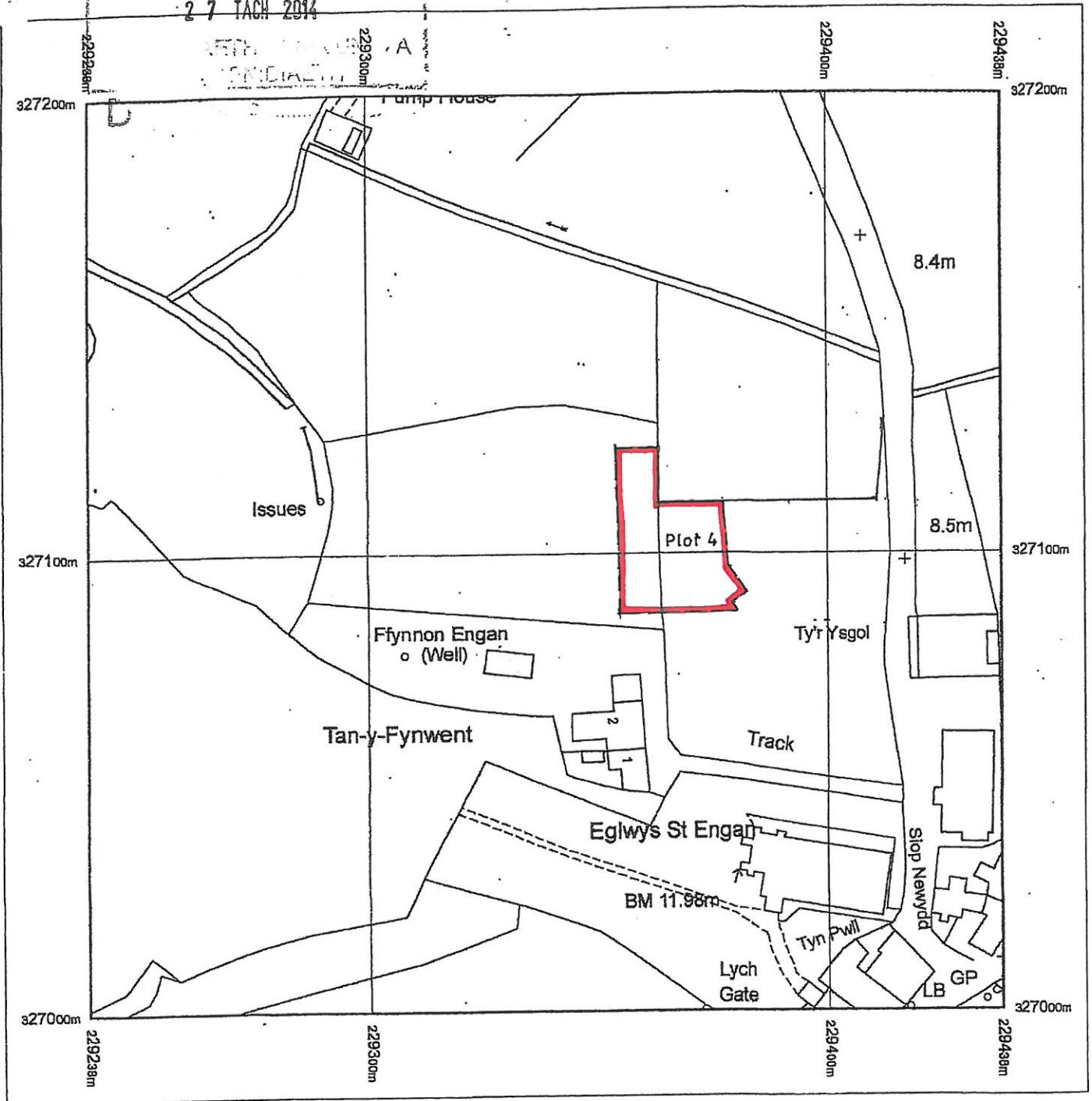


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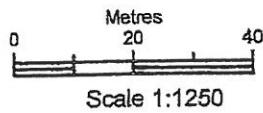
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PLAN REF:- 0409/LP
LOCATION PLAN.
SCALE:- 1:1250

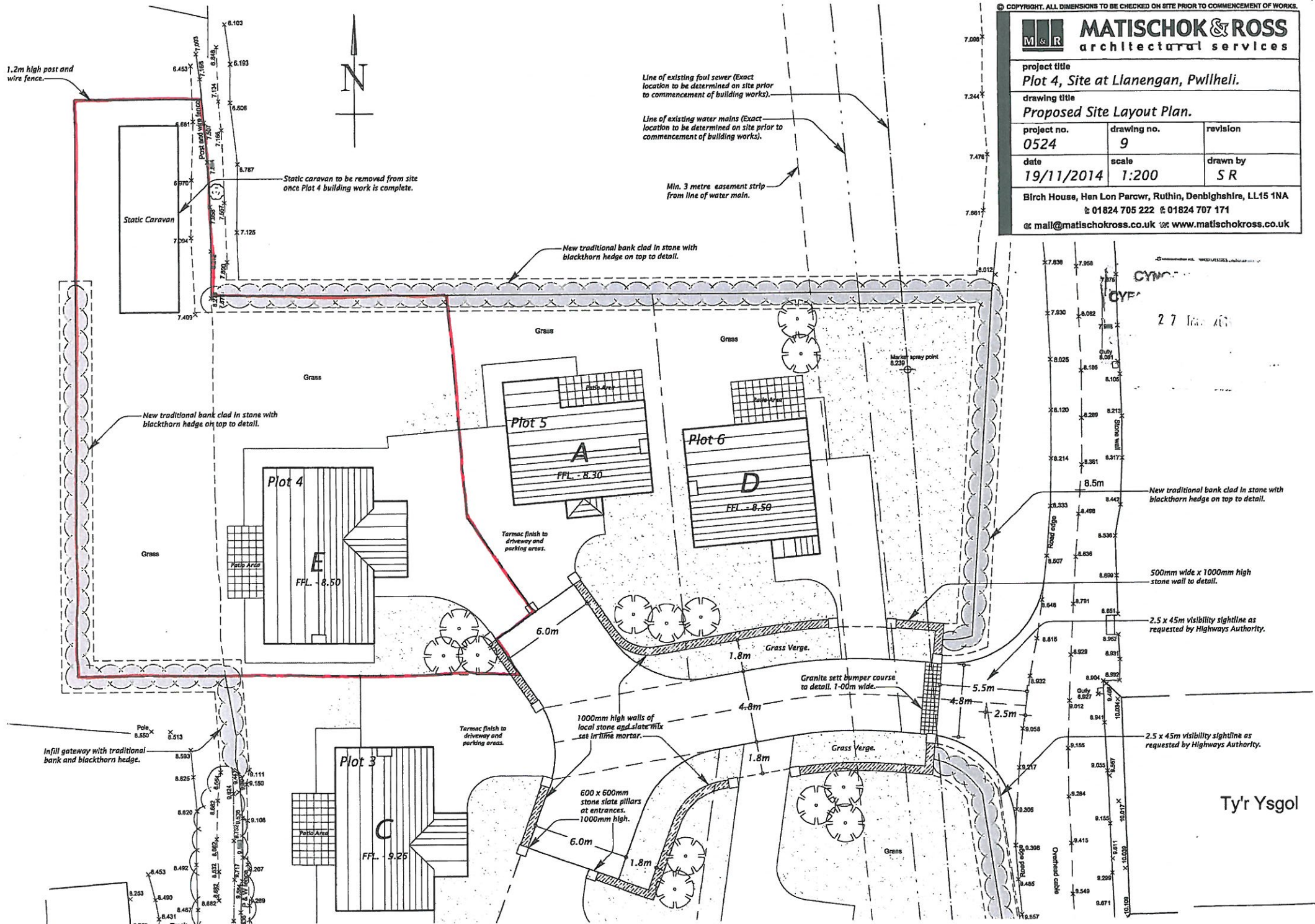


project title
Plot 4, Site at Llanengan, Pwllheli.

drawing title
Proposed Site Layout Plan.

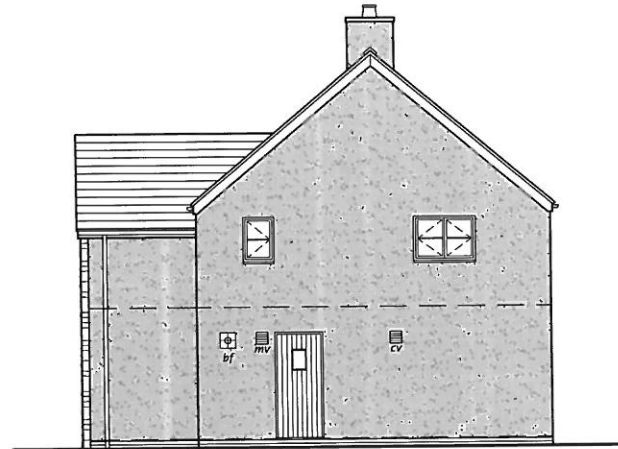
project no. 0524	drawing no. 9	revision
date 19/11/2014	scale 1:200	drawn by SR

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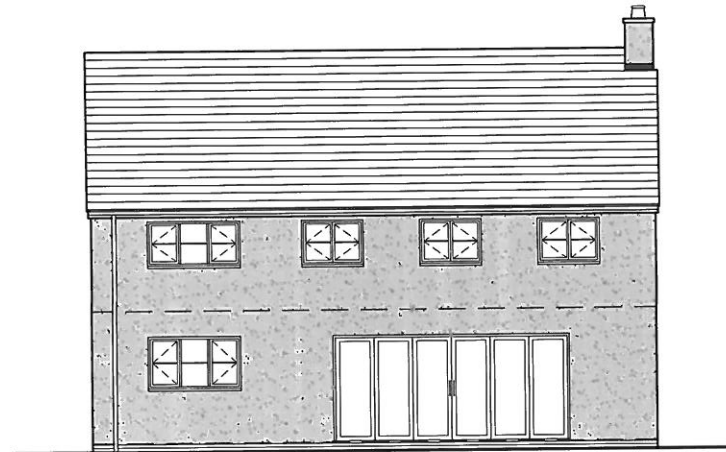




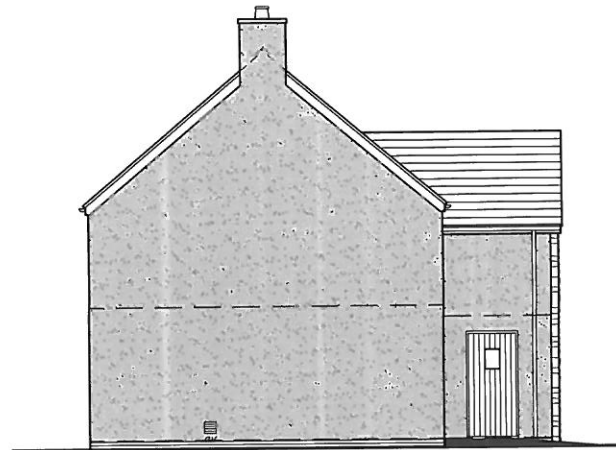
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

External Materials

Roof - New natural mineral slates (blue/grey) with butt jointed blue/black clay ridge tiles to local authority approval.

Walls - Painted roughcast render finish with facing brick plinth to approval. Natural local stone facing where shown.

Rainwater Goods - Black upvc gutters & downpipes to approval.

Windows & External Doors/Frames - Timber eggshell painted finish to approval.

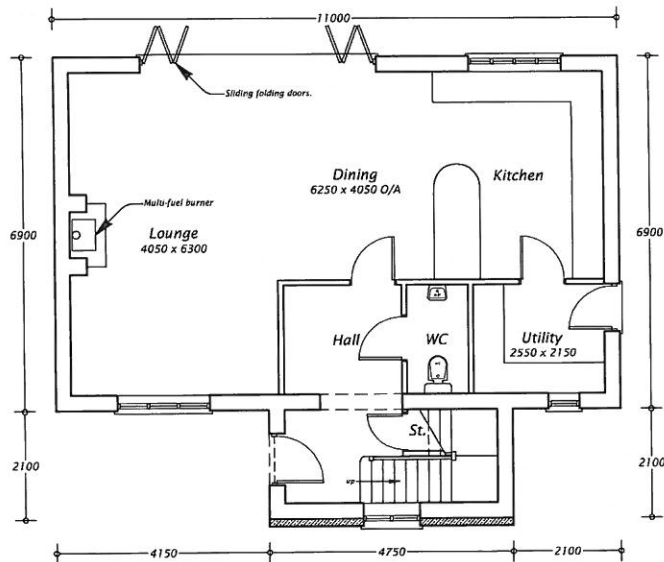
Fascia, Soffit & Barge Boards - Painted timber fascia and barge boards.

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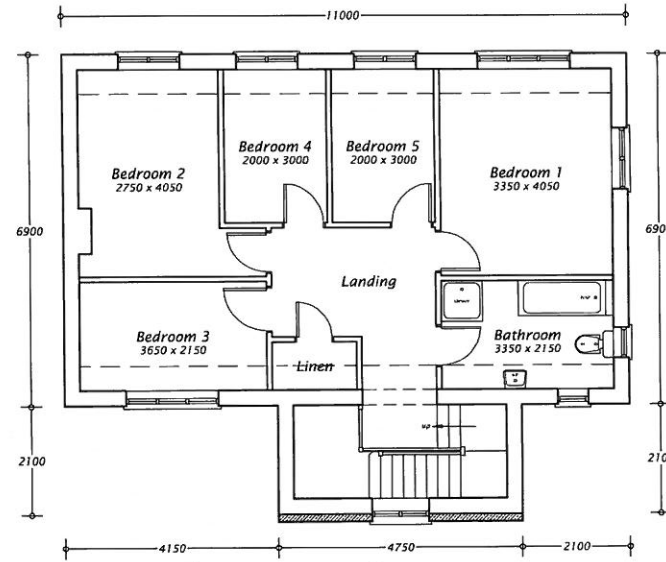
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drawing title Proposed Elevations - 5 Bed House Type.		
project no. 0524	drawing no. 8	revision A
date 14/11/2014	scale 1:100	drawn by S R

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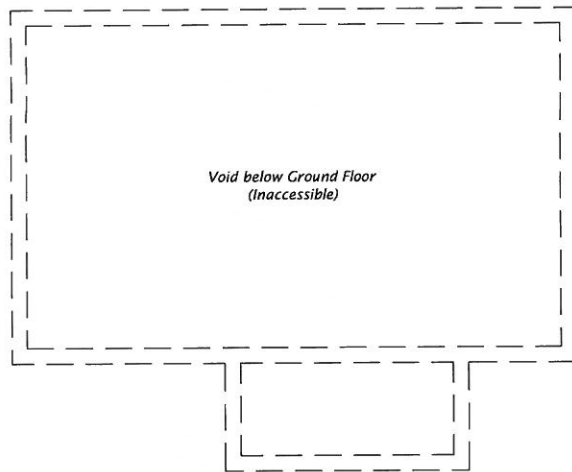


Ground Floor Layout Plan

Total internal floor area of dwelling = 130m²



First Floor Layout Plan



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M & R MATISCHOK & ROSS
architectural services

project title
Plot 4, Site at Llanengan, Pwllheli.

drawing title
Proposed Plans - 5 Bed House Type.

project no.	drawing no.	revision
0524	7	A
date	scale	drawn by
14/11/2014	1:100	S R

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Revision A: 08/12/14 - Window opening to Bedroom 1 reduced as requested by Planning Authority.